

A New: Weld
SUMMARY

OF THE

Penal Laws

RELATING TO

Monjurers,

Papists,

Popish Recusants,
AND
Nonconformists.

And of the late

STATUTES

CONCERNING THE

*Succession, Riots, and Imprisonment of
Suspected Persons.*

Collected and put into such a Method, that the Reader
may at one View satisfy his Enquiry. The *Offences*
and *Penalties* being ranged opposite to each other.

To which are added,

Several adjudged Cases, and Notes upon the most ma-
terial Points : Wherein are contained, all the *Oaths*,
Submissions, *Declarations*, *Confessions of Faith* and *Affirma-*
tions, Required by the Government, since the first
Year of Queen *Elizabeth*, to this present Year 1716.

The Second Edition.

To which is now added,

The two late ACTS; the one, for Appointing Com-
missioners to Enquire of the Estates of certain Tray-
tors, &c. The other, to oblige Papists to Register
their Names and real Estates.

In the S A V O R:

Printed by *Eliz. Nutt*, (Executrix of *J. N. Assignee of Edward
Sayer, Esq;*) for *John Walthoe*, in the *Middle-Temple* Cloy-
sters, and *John Walthoe Jun.* against the *Royal-Exchange*
in *Cornhil*. MDCCXVI.

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THE
INTRODUCTION.

IT being the peculiar Happiness of the People of this Island to be govern'd by Laws of their own framing, and not by the arbitrary Decrees of one or more, it is no Wonder that we find them exactly suited to the Advantage of the whole Community; and as far as that will admit, to the Benefit of every Individual: The only just Complaint I have met with in relation to them, is their being so voluminous, and dispersed in so many several Books, that 'tis very difficult for one who does not make the Law his Profession, (tho' equally concern'd to square his Conduct by it) to arrive at any tolerable Certainty in his Duty as a Subject; and this Complaint is never made more justly, than when it respects the Penal Statutes. It has indeed been made a Ground of Complaint, that the Laws are couch'd in difficult and obscure Terms; but the same might be objected to Divinity, Physick, and other Sciences, where Words are appropriated to particular Purposes; however thus much I infer
A from

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from the Premises, that whoever shall collect the Laws, relating to any Branch of our Duty, and endeavour to range them in such a Method, as may render them plain and intelligible to the People, needs not make any Apology for his Undertaking: I shall only, in Answer to the Clamours of those, who are obnoxious to the Laws I am considering, shew the Necessity the Government was under of making these Provisions for its own Preservation; and in order to this, produce several Instances of the haughty Demands and intolerable Exactions of the See of *Rome*, while we were under its Tyranny, and the repeated Attempts of that See again to enslave both Prince and People; and give some Account of the Rise of the *Nonconformists*, and their Behaviour in the Reign of Queen *Elizabeth*, and since, which brought them under the same Penalties and Disabilities with Papists, and made them look'd upon as equally dangerous to Church and State. Our Historians abound with Instances of the unhappy Principles and Practices of both, whereof I shall select some few out of *Echard's English History*, whose Character is so well establish'd, that I need be at no Pains to induce the Reader's Belief of the several Facts herein related: He

Ann. 604. tells us, That even in those early Times,
when

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when *Austin* the Monk was deputed hither by the See of *Rome*, for the Conversion of our *Saxon* Ancestors, he did not express greater Zeal for the Propagation of the Gospel, than for bringing his Brethren the *British* Christians under the Dominion of the Pope; for having by Virtue of his Legative Authority, summoned the *British* Bishops to a Synod, and demanded their Submission in some Particulars, (when they deny'd all Subjection to a Foreign Bishop) he, in a Rage, dismiss'd the Assembly, and took upon him to denounce their Destruction.

But to come down to the Reign of *Henry* the Second, when that famous Contest arose concerning the Regal and Pontifical Authority, it cannot but raise the Reader's Indignation, when he observes with what Insolence and Barbarity the greatest of our Monarchs was us'd by the lowest Order of Ecclesiasticks, his own Subjects, to satisfy the Vanity and Ambition of the Bishop of *Rome*. The Occasion was this; the King being inform'd that the Clergy had committed more than an hundred Murthers in his Reign, declared he expected that such of the Clergy as were taken in Robbery, Murther, or Felony, should be try'd in his Temporal Courts as Lay-men were; whereupon *Thomas a-Becket*, then Archbishop of *Can-*
terbury,

*An. 1154.
Henry II.
began his
Reign.*

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terbury, insisted that they should be try'd only in the Spiritual Courts, by Men of their own Order; and upon the first Conviction, should only be deprived of their Office and Benefice. Upon a second Offence indeed, he would permit them to be adjudg'd in the King's Courts. At length the King declared *Becket* a Traitor, and *Becket* excommunicated all that obey'd or defended the Regal Laws, and proceeded so far with the Pope's Assent, that there were not Ecclesiasticks left to perform Divine Service in the King's own Chapel: However, Matters were for that time accommodated, and *Becket* restor'd to his Archbishoprick; but he soon assum'd his wonted Arrogance, and excommunicated several Bishops who had adher'd to the King; they complaining to his Majesty of the Hardships they lay under, and saying, *It was impossible he should enjoy happy Days while Becket liv'd*, occasion'd him to let fall some rash Expressions, as tho' it would be an acceptable Piece of Service to him to destroy *Becket*; whereupon four of his Domesticks bound themselves, by a solemn Oath, to kill the Archbishop, and going over privately to *Canterbury*, (the King being then in *Normandy*) they enter'd his own Church, where he had withdrawn himself to the high Altar, while the Monks were celebrating

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brating Divine Service, and calling him Traytor, gave him several Wounds, and at length beat out his Brains, so that the Altar it self was stained with his Blood, The Assassins doubting whether the King would countenance the Fact, fled to the North of *England*, and were driven thence into Foreign Countries, where they dy'd. The Pope sent two Legates to enquire into the Death of Archbishop *Becket*; and altho' the King took an Oath upon the Holy Evangelists, That he neither commanded nor consented to the Murther, and was infinitely sorry for the rash Words that occasion'd it, he could not preserve his Kingdom from a general Interdict, but by taking a further Oath to perform all such Penances as should be enjoined him; that he would never oppose the Pope's Authority; that he would undertake the *Crusado*, and abolish all Customs introduc'd by him to the Prejudice of the Church. One Part of the Penance enjoin'd was perform'd in this manner:

The King coming towards the Church where the late Archbishop was buried, clothed in Woollen, went three Miles Bare-foot, insomuch that the Ground was stained with the Blood running from his Feet; when he arriv'd at the Sepulchre, and had prostrated himself, he received

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Discipline by Rods on his bare Flesh from the Hands of the Bishops, Priests and Monks, there present, until he had received at least fourscore Lashes; and this he was compell'd to submit to, altho' then the greatest Prince in *Europe*, and much greater than any of the Monarchs his Predecessors.

An. 1199.
K. John.

In the beginning of the Reign of King *John*, the Clergy, supported by the Pope, insisted also upon being exempt from Regal Authority, and daily incroach'd on the Prerogative. *Hubert*, Archbishop of *Canterbury*, took upon him to hold a Synod of all the Bishops and Clergy, notwithstanding the positive Prohibition of the King's chief Justiciary; and after the Death of *Hubert*, the Pope assum'd a Power of nominating another Archbishop, without the King's Consent, and commanded the Monks of *Canterbury* to choose him, upon Pain of his Curse, which they accordingly did; whereupon the King charged the Monks with Treason, drove them out of *England*, and confiscated their Goods. He also expostulated the Matter with the Pope, and threaten'd him, That since he had Archbishops, Bishops and other Prelates, abounding in Learning in his own Dominions, he should not seek for Justice in Foreign Countries. The Pope hereupon solemnly inter-

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interdicted the whole Kingdom, so that there was a Cessation of all Divine Service, except Confession, Baptism of Infants, and Administration of the Eucharist to dying Persons. The Bodies of the Dead were carried out of the Cities and Towns, and without any Ceremony, like Beasts, were tumbled into Pits and Ditches. The King incens'd at this Usage, depriv'd all the Clergy that obey'd the Pope's Interdict; and the Pope on the other side suspended those who adher'd to the King, excommunicated the King's Person, and strictly enjoin'd all Men to abandon his Presence. He absolved the King's Subjects from their Obedience, and commanded all Persons, under Pain of Excommunication, to avoid him in private and publick at his Table, Council and common Conversation.

He further decreed, That King *John* should be entirely deposed from his Kingdom, and that his Holiness would appoint a more worthy Person to succeed him. He accordingly wrote to *Philip* King of *France*, requiring him to put this Sentence in Execution, promising him to grant him Remission of all his Sins, together with the Kingdom of *England*, in perpetual Right, when he should have dethron'd the present Possessor. He wrote to the Potentates, Knights and Warriors,

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of several Nations (says my Author) exciting them to sign themselves with the Sign of the Cross, and follow the King of *France* as their General in this Expedition; and that whoever should contribute Money, or other Assistance, towards the Subduing of this contumacious King, should be secure; not only in their Goods and Persons, but also as to their Souls; and should enjoy the same Privileges with those who visited the Sepulchre of our Lord.

The King finding such Powers arm'd against him, and fearing a general Defection of his own Subjects, was reduc'd to accept such Terms as the Pope was pleas'd to impose, who, in the first place, oblig'd him to take a solemn Oath to obey the Commands of his Holiness in all Things for which he had been excommunicated. He insisted also on the Resignation of his Crown, and accordingly King *John* at *Dover* took off his Crown from his Head, and humbly surrendred it into the Hands of the Pope, by his Attorney *Pandolf*; at whose Feet he also laid his Sceptre, Robe, Sword, Ring, and all the Royal Ensigns; and signed an Instrument, whereby he resigned his Kingdom to the Pope, professing that thenceforward he would hold his Crown as Feudatory of the Church of *Rome*, paying an annual Pen-

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Pension of 1000 Marks, and did Homage to the Pope as his Supreme Lord in the most submissive and abject manner, whereupon the Crown was re-deliver'd to him; and he some time after received Absolution, swearing Fealty to Pope Innocent and his Catholick Successors. The French King would not be thus satisfied, but by Virtue of the Title he had receiv'd from the Pope, invaded King John's Dominions, and brought inexpressible Calamities upon the Nation. The Historian takes notice, that during this Reign, the Pope, by a definitive Sentence, damn'd and cassated *Magna Charta* for ever.

In the Reign of Henry the Third, the Pope demanded, and soon after, collected the Tenth's out of all Profits whatsoever, without Deduction either for Debts or Expences, obliging the Prelates to lay down the Money, who were afterwards to levy it upon every Person by way of Tax, insomuch that they were forced to sell or pawn their Vestments, Chalice's, and other Holy Vessels belonging to their Churches; he exacted even the Tenth's of the Fruits of the Earth while they were growing, and sent over Usurers to lend Money, and take Security of such as had none by them, who were irrecoverably ruined by their Extortions.

An. 1216.
Henry III.

At

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At a Parliament held the 39th of *Henry* the Third, *Anno* 1246, the Nation's Grievances were thus summ'd up, 1. That the Pope extorted great Contributions of the Clergy, without the King's Consent, against the Rights and Liberties of the Kingdom. 2. That Patrons could not bestow their Livings on fit Persons, because the Pope gave them to his *Romans*, who could not speak *English*; but impoverished the Nation, by carrying away the Coin. 3. That the Pope's Provisions and Pensions were exorbitant, and insupportable. 4. That *English* Men were drawn out of their Country, to finish their Causes abroad. 5. That the Pope, by his Clause of *non obstante*, vacated Oaths, Customs, Charters, Grants, Statutes, Rights and Privileges; upon which the King, the Prelates, Earls, Barons, Abbots and Priors did all write their several Complaints to the Pope, requiring speedy Redress of those infinite Injuries to the King and all his Subjects, who would rather die, than thus daily endure such Oppressions.

An. 1272.
King Ed-
ward I.

In the 25th of the Reign of *Edward* the First, Pope *Boniface* prohibited the Ecclesiasticks paying any Taxes to the King, without the Consent of the See of *Rome*; but the King exerted himself, and compell'd them to submit.

In

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In the 17th Year of *Edward the Third*,
Pope *Clement the Sixth* bestowing several
of the best Benefices in *England* upon
Foreigners, by way of Provision, occa-
sioned the first Statute of Provisions,
which made it Treason to bring such Pa-
pal Provisions into the Kingdom. In the
40th Year of the same Reign, *An. 1366*,
the Pope demanding the Tribute granted
by King *John*, the King ordered the Mat-
ter to be debated in Parliament, where
the Lords and Commons came to this Re-
solution, That neither *John*, nor any o-
ther King, could bring himself or his
Kingdom under any such Subjection with-
out their Assent, and therefore resolved,
that if the Pope should attempt to con-
strain the King, or his Subjects, to agree
with any Claims, in that Respect they
would resist him to the utmost of their
Power, and thus this haughty Demand
of the Bishop of *Rome* was quash'd, nor
was ever after resum'd as I can learn.

In the Reign of *Henry the Eighth*, the
King proceeded to the Dissolution of the
Monasteries, and seized the rich Shrine of
Thomas a-Becket; the Pope published a
Bull, declaring himself to be God's Vicar on
Earth, who had Power to eradicate and de-
stroy, and had Authority over all the Kings
in the World; and therefore required King
Henry to appear at *Rome*, with his Ac-
com-

An. 1327.
King Ed-
ward III.

An. 1509.
Henry VIII

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complices; which if he refus'd, he declared him to have fall'n from his Crown and them from their Estates. He put the whole Kingdom under an Interdict, and absolv'd all his Subjects from their Allegiance. He declared him and his Accomplices infamous, and put their Children under Incapacities. He required all the Clergy to go out of *England* within five Days, after the prefix'd time should expire, leaving only so many as should suffice for baptizing Children, or giving the Sacrament to such as died Penitent. He charg'd all his Subjects to rise in Arms against him, and that none should assist him. He absolv'd all other Princes from their Confederacies with him, and obtested them to have no Commerce with him. He required all Christians to make War on him, and to seize on the Persons and Goods of all his Subjects, and make Slaves of them. And at *Rome* it was declared equally meritorious to fight against him, as against Turks and Infidels; and Cardinal *Paul* in a Book of his makes it more meritorious.

An. 1553.

Queen Mary.

ry.

The barbarous Executions of the Protestants in the Reign of Queen Mary, has made such lasting Impressions on the People, and created so just an Abhorrence of the *Romish* Tyranny, that the bare mention of them is sufficient.

I have

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I have been so long upon this Head, that I shall only take notice of the Bulls publish'd against Queen *Elizabeth*, much of the same Nature with that against her Father, which is recited before, which occasion'd innumerable Conspiracies in her Reign, and brought on that formidable Invasion by the *Spaniards* in the Year, 1588. and now proceed to give some Account of the Rise and Behaviour of the Nonconformists.

The Historian tells us, That Queen *Elizabeth* being at a Divinity-Disputation in *Cambridge*, where Mr. *Preston* of *King's College*, and Mr. *Cartwright*, were appointed Disputants, the first was both liked and rewarded by the Queen, while the other received neither Reward nor Commendation; which so incensed *Cartwright*, that he retired to *Geneva*, where being thoroughly instructed in the Doctrine and Discipline of that Establishment, he return'd home, with a Design to repair his Credit, or gain himself a Name by raising such Flames in the Church, as cannot perhaps be extinguish'd, but by the immediate Hand of Heaven. About the rith of this Reign, *Coleman*, *Button*, *Hallingham* and *Benson*, openly call'd in Question the Discipline of the Church of *England*, and endeavour'd to reform it after the *Geneva* Pattern; and this Sect (says my

Ann. 1558.
Queen Elizabeth.

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my Author) did greatly increase in a short time, by means of their resolute Temper, the Negligence of several Bishops, and the Favour of some Noblemen, who were thirsting after the Patrimony of the Church.

He goes on and tells us, That the Queen and the Ecclesiastical State were much tormented with this new Sect called *Puritans*, who, under a Pretence of greater Purity in Doctrine and Discipline, endeavour'd to eradicate Things that were well establish'd, to make way for their own Novelties; therefore the Queen, to prevent a Schism in the Church, commanded the Law concerning Uniformity of Publick Prayers, to be in all Places put in Execution; and it was thought the more necessary to restrain all new Opinions and Notions, by reason of one *Peter Burchet*, of the *Middle-Temple*, who taught that it was lawful to kill any that opposed the Truth of the Gospel, and so strictly pursued that Principle by his Practice, that it brought upon him the Guilt of Murther, for which he was executed.

About the 34th of Queen *Elizabeth*, one *Hacket*, born at *Oundle* in *Northamptonshire*, a mean Person, of no Learning, suddenly took upon him a wonderful Shew of Sanctity, hearing Sermons, and getting Scriptures

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tures by Heart, and counterfeiting Revelations from God, and extraordinary Calls; by which Means he was highly extoll'd by certain Ministers of the *Geneva* Discipline, especially by *Coppinger* and *Arthington*, who accounted him sent from Heaven, and a greater Prophet than *Moses* or *John Baptist*; and finally, that he was Christ himself, come with a Fan in his Hand to judge the World; this they proclaimed in *Cheapside*, reporting that *Hacket* participated of Christ's Glorified Body by his special Spirit, and was now come to propagate the Gospel over *Europe*, and settle a true Discipline in the Church of *England*, and that they themselves were two Prophets; the one of Mercy, the other of Judgment, with many such incredible Blasphemies; whereupon *Hacket* was apprehended and arraigned, and at last hang'd, drawn and quartered, continuing at his very Death in his blasphemous Assertions, to the great Horror and Amazement of the Spectators. *Coppinger* a while after starved himself to Death in Prison, *Arthington* repented, and made his Recantation in a publick Writing.

Besides these, others at this time opposed the Established Government of the Church of *England*, exclaiming against the Function and Calling of Bishops, with

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with whom joined some Common Lawyers, affirming that the Queen could not depute; nor these Men exercise such Ecclesiastical Jurisdiction: But the Queen conceiving she was shot at through the sides of the Prelates, suppressed them as much as possible, and strictly maintained the former Establishment.

But to sum up all; as the Powder-Plot in the Reign of King *James* the First, was justly accounted such a Master-piece of Villany, as the World till then had never been acquainted with, and sufficiently justifies the Legislature, as to the Laws in force against Roman Catholics; so the total Destruction of the Church and Monarchy by the Dissenters in the succeeding Reign, must for ever silence all Clamours from that Party.

upon which was apprehended and arrested, and at last hanged, drawn and quartered, continuing at his very Death in his blasphemous Assertions, to the great Horror and Amusement of the Spectators. Captain a while after proved himself to Death in Prison, who was reported, and made his Resurrection in a public Writing.

Besides these, others at the same opportunity established Government of the Church of England, excluding against the Pension and Calling of Bishops.

1 Eliz. Cap. 1.

The ancient Jurisdiction of the Crown of England Asserted and Retrieved from the Usurpations of the See of Rome: and Enacted,

Offences.

TH A T every Archbishop, Bishop, and all other Ecclesiastical Persons and Officers of what Degree soever, every Judge, Justice, Mayor and Lay Officers, and all Persons having Fee or Wages from the Crown, who shall not take the Oath of Supremacy hereby enjoined,

Persons who refuse to take the said Oath,

Any Person who shall maintain the Power or Jurisdiction

Penalties.

Forfeit all their Ecclesiastical and Temporal Preferments and Promotions.

Not to be admitted to any Preference, Dignity or Promotion Spiritual or Temporal; or be permitted to enter into Orders, or take a Degree in the Universities.

Forfeits all his Goods and Chattels; and if he be

B

not

Maintainers of Foreign Power.

<i>Offences.</i>	<i>Penalties.</i>
on of any Foreign Prelate, or Potentate, within these Realms,	not worth 20 l. shall forfeit all that he hath, and suffer one Year's Imprisonment without Bail.

The second Offence, **A Præmunire.**

*Benefic'd
Clergy.*

The third Offence, A benefic'd Clergy-man on the first Conviction,	High Treason. All his Spiritual Preferments void.
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Prosecution to be within one Year, and Proof by two Witnesses *viva voce*. It shall not be adjudg'd any Offence to relieve, aid or comfort a Person guilty of Treason, or incurring a Præmunire by this Act, unless it can be prov'd by two Witnesses that the Person aiding, &c. had Notice of the Offence when he administred such Relief.

The Oath of Supremacy enjoin'd by
1 Eliz. Cap. 1.

1 Eliz.
Cap. 1.
Oath of Supremacy.

I *A. B.* do utterly testifie and declare in my Conscience, that the Queen's Highness is the only Supream Governour of this Realm, and of all other her Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes as Temporal; and that no Foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Jurisdiction, Power, Superiority, Preheminence, or Authority Ecclesiastical or Spiritual within this Realm: And therefore I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities and
Autho-

Authorities; and do promise, that from henceforth I shall bear Faith and true Allegiance to the Queen's Highness, her Heirs and lawful Successors: And to my Power shall assist and defend all Jurisdictions, Privileges, Preheminences and Authorities granted or belonging to the Queen's Highness, her Heirs and Successors, or united and annexed to the Imperial Crown of this Realm. So help me God, and by the Contents of this Book.

By abrogating the Pope's Jurisdiction, all Authority deriv'd from him is likewise abrogated; so that the Jurisdiction which the Archbishop of *Canterbury* had in inferior Dioceses, ought not now to be exercis'd by him, but is taken away by this Act; for he had it not as Archbishop, but as *Legatus Natus* to the Pope, *Hob. 17. Dr. James's Case, Lamb. 224.*

*Notes on
1 Eliz.
Cap. 1.*

The six Months in this Act relates only to the Imprisonment of the Offender, *viz.* That he shall not be detain'd in Prison more than six Months, unless he be indicted; but he may be prosecuted at any time within the Year.

1 Eliz. Cap. 2.

Offences.

Every Minister refusing to use the Service according to the Common-Prayer-Book of the 5 & 6 *Edw. 6. cap. 1.* as alter'd by this Act, or using any other Rite, Order,

Penalties.

Forfeits for the first Offence (being a benefic'd Man) one Year's Profits of all his Spiritual Preferments, and shall suffer 6 Months Imprisonment; the

*Uniformity
of Worship.*

Offences.

der, or Form, or speaking any thing in Derogation of the said Book, or depraving any thing therein,

*Not benefi-
c'd.*

A Clergy-man not benefi'd offending in like manner,

*Depraving
the Com-
mon-Pray-
er.*

Persons depraving or ridiculing the said Book, or any thing therein, by Plays, Songs, Rhymes, or otherwise; or compelling or procuring a Minister to say any other Service, or hindring or interrupting him in this,

*Absenting
from
Church.*

Every Person not repairing to his Parish - Church, or some other Church, every Sunday and Holyday,

Prosecution to be at the next Assizes or Sessions.

Such Ornaments of the Church, and of the Ministers, to be retain'd, as were by the 2d and 3d of *Edw.* the Sixth, *Cap. 1.* till further Order.

Penalties.

second, **Deprivation and a Year's Imprisonment**; the third, **Deprivation and Imprisonment for Life.**

One Year's Imprisonment for the first Offence; the second, **Imprisonment for Life.**

Shall forfeit for the first Offence 100 **Sharks**; or that not paid in six Weeks, suffer six Months Imprisonment; second Offence 400 **Sharks**, or that not paid in six Weeks, **one Year's Imprisonment**; 3d Offence, forfeiture of **Goods and Chattels**, and **Imprisonment for Life.**

Shall incur the Censures of the Church, and forfeit 12 Pence.

Tho'

Tho' all other Forms of Prayer are here forbidden to be us'd, this is only intended of such Prayers as are us'd in Hindrance or Opposition of the Common-Prayers, and not those us'd in the Pulpit before Sermon; for Statutes are to be interpreted rationally, and do not always require express Words to make the Exception, 4 *Inst.* 330, 331. *Notes on*
1 Eli 2.
Cap. 2.

The hearing Mass has been adjudged to be a Maintaining within this Statute, and the Person hearing indictable thereupon. *Dyer* 203 and 323, *Pl. Fermor's Case.*

The Offender here cannot be punish'd for the second Offence, before he is adjudg'd for the first; and that second Offence must be committed after the Judgment given for the first; for, *quod non apparet, non est & non apparet judicialiter ante Judicium*, 2 *Inst.* 479. *Dyer* 323. *Pl.*

If a Man resort to the Church or 'Chapel he has been accusom'd to, tho' it be not his Parish-Church, he satisfies the Intent of the Act, 1 *Bulst.* 159.

He ought to continue there the whole time of Prayer and Preaching, and behave himself decently; for if he walk or talk in the Church during the Service, he may be punish'd by this Act as if he were absent, 1 *Roll.* 93. *Foster's Case.*

A Clergy-man depraving, or not observing the Common-Prayer, is still punishable by the Ecclesiastical Judge, who may deprive him by their Law for the first Offence, notwithstanding this Act, 5 *Coke* 6. *Cawdery's Case.*

5 Eliz. Cap. 1.

*Offences.**Maintain-
ing the
Pope's Au-
thority.*

Whoever shall maintain the Jurisdiction of the Bishop or See of Rome within the Queen's Dominions,

Penalties.

Incurrs a **Premu-
nure**, he, his Ac-
cessaries, and Abet-
tors. Prosecution to
be within one Year at
the Assizes or Sessions.

*Oath of
Supremacy,
first Tender.*

As well all Persons appointed by 1 Eliz. cap. 1. to take the Oath of Supremacy; as also all School - Masters, Tutors, Lawyers, Attorneys, Sheriffs and Officers in all Courts, who shall refuse the said Oath,

Incurr a **Premu-
nure**.

*Second Ten-
der.*

Refusing it upon a second Tender, or being formerly convicted of maintaining the Pope's Authority, and offending a second time,

High Treason in them and their Acces-
saries, but no Cor-
ruption of Blood, Loss
of Dower, or Dishe-
rison of the Heir.

*Members of
Parlia-
ment.*

Every Member of the House of Commons not taking it before he sits or votes,

Liable to the same Penalties as he who presumes to sit without being chosen.

None compellable to take the Oath on a second Tender, save Clergy-men, Officers of Ecclesiastical Courts, such as do not conform, and observe the Rites of Divine Service, such as deprave the same, or use to hear Mass.

Whoe-

Whoever prints, imports, publishes or disperses such Books as maintain the Jurisdiction of the Bishop or See of *Rome*, knowing the Contents, he is an Offender within this Act; and for the first Offence incurs a *Præmunire*, and for the second is guilty of High Treason. *Dyer* 281, 282 *Pl.* and 6 *Coke*, the Preface.

Notes on
5 *Eliz.*
Cap. 1.

The King cannot dispense with a Member of the House of Commons's taking the Oath of Supremacy. *Vaughan* 355, *Thomas* and *Sorrel's* Case.

If a Man hears Mass but once in his Lifetime, upon a second Refusal of this Oath, he shall be adjudged guilty of High Treason.

The Judgment in a *Præmunire* is to be out of the King's Protection; Lands, Tenements, Goods and Chattels, forfeited to the King (Entail'd Lands but for Life) and perpetual Imprisonment, 1 *Inst.* 129, 130. He is disabled to be a Witness, 1 *Inst.* 6. or to bring any Action, *Littleton* 41. but the Offender is not so out of the King's Protection, that any one may kill him, as he was heretofore in Cases of *Præmunire*.

13 *Eliz.* Cap. 2.

Offences.

Whoever shall sue for, obtain, or put in use Bulls of Absolution or Reconciliation from the Bishop of *Rome*, or absolve, or be absolv'd thereby,

The Comforters and Maintainers of such Offenders, Their

Penalties.

They and their Accessories before the Fact shall be adjudged guilty of High Treason.

Suing to
Rome for
Bulls.

Incure a *Præmunire* Their Aid-
ers.

B 4 Guilty

	<i>Offences.</i>	<i>Penalties.</i>
<i>Concealers.</i>	Their Concealers, unless they make a Discovery in 6 Weeks to some of the Privy Council.	Guilty of ~~Disprison~~ of ~~Treason~~ .

Popish Pictures.

Whoever shall bring into these Realms any *Agnus Dei*, Crosses, Pictures, or Beads, and deliver or offer them to any Person to be us'd; the Person so offering, and the Person receiving them for that End,

Incurr a *Præmunire*, unless the Party receiving them discover the Bringer in three Days to a Justice of Peace; and the Justice incurs a *Præmunire*, if he does not disclose the Matter to one of the Privy Council within 14 Days.

Notes on
13 Eliz.
Cap. 2.

To make the bringing in Crosses, &c. penal, there must be several concurring Circumstances; they must be brought in and offer'd by the same Person; for neither the bringing them in alone, nor the offering them by a Person who did not bring them in, does bring either within the Danger of this Law; they must also be offer'd to a Subject of this Realm; and they must be given and received with an Intent to have them worn or us'd, or it is not penal to either.

If the Party, to whom such superstitious Things are offer'd, brings the Offender to any Justice of Peace of the County, tho' it be not the next Justice, the Intent of the Act is satisfy'd; for the word [next] in such Cases in Acts of Parliament, is not to be taken strictly *Style 246. Pl. Maine and Sergeant's Case*. 'Tis sufficient for the Justice of Peace to disclose it to any one Member of the Privy Council.

23 Eliz. Cap. 1.

Offences.

HAVING, or pretending to have Power, or to put in Practice to absolve, perswade, or withdraw any from their Obedience to her Majesty; or to withdraw them for that Intent from the Religion establish'd, to the *Romish* Religion; and Persons who shall be so withdrawn, their Procurers and Counsellors, guilty of

Their Aiders and Maintainers not discovering them to a Justice of Peace within 20 Days,

A Person saying Mass,

A Person hearing Mass,

One not repairing to Church according to 1 Eliz. cap. 2.

Absenting by the space of 12 Months, and

Penalties.

High Treason.

Withdrawing any from the Religion establish'd.

Misprision of Treason.

Their Aiders.

Forfeits two hundred Marks, and shall suffer one Year's Imprisonment, and until the Fine be paid.

100 Marks, and one Year's Imprisonment.

Hearing Mass.

20 l. for every Month he is absent.

Absenting from Church a Month.

A Justice of Peace shall bind such Person

Absenting 12 Months.

Offences.

and a Certificate made thereof by the Ordinary in the King's Bench.

Keeping a School-master.

Whoever shall keep a School-master who absents himself from Church, or who is not allow'd by the Ordinary,

Conforming.

Offenders submitting and conforming before Judgment,

Penalties.

son to his good Behaviour, until he repair to Church, with two sufficient Sureties in 200 l.

Forfeits 10 l. per Month, and the School-master disabled to teach, and shall suffer one Years Imprisonment without Bail.

Discharged of the Penalties, except in Cases of Treason, and Misprision of Treason.

Prosecution for Offences against this Act, and the 1st, 5th and 13th of *Eliz.* to be tried at the Assizes or Sessions of the Peace within a Year and a Day after the Offence, except in Cases of Treason, and Misprision of Treason.

Two Thirds of the Forfeitures to the Crown, and the other to the Poor of the Parish; fraudulent Assurances to avoid Forfeitures, void.

Persons of Quality.

Persons of Quality having the Service in their Houses, and who come to the Publick Worship four times a Year, exempted from the Penalties in this Act.

Notes on 23 Eliz. Cap. 1.

A Prosecutor on this Statute, if the Offender be acquitted, or the Grand Jury bring in *Ignoramus*, is liable to an Action. *Hill. 1. Car. 1. Smith and Crasshaw.*

By being lawfully convicted, is not intended that the Party must have been convicted in some former Suit; but a Conviction upon the same

same Indictment or Information which is brought against him, is a sufficient Conviction within the Meaning of this Act; and so are all Penal Statutes which have these Words, *Being thereof lawfully convicted*, to be understood, viz. Of a Conviction on the same Suit, whereupon the Penalty is to be recovered'd, 1 Rolle 90. Pl. 41. Dr. Foster's Case.

Where a Statute gives a Forfeiture, and does not appoint it for any particular Person, the King shall have it of course, 2 Anderson 128, Pl. 73, Agard and Gandish.

The Month here is to be accounted but 28 Days, so that the Recusant will forfeit thirteen score Pounds in the whole Year.

2 Cro. 529 Pl. An Information was brought against Sir John Curson and his Wife, for the Recusancy of the Wife for 11 Months; and upon not guilty pleaded, Pasch. 17 Jac. in B. R. at the Trial, it was proved that she conformed, and came to Church for part of the time in the Information; yet seeing she was a Recusant before and after, the Court were of Opinion that her Conformity for some part of the time should not excuse her, and she was found guilty for the whole time.

The Security mention'd in the Act is to be taken in the Court of King's Bench.

Popish Recusants convict will not be accepted for Sureties. Griffith. 2 Bulstrode 155.

The word School-master extends to Ushers and Assistants in Schools.

As to such Offences as are made Treason by this Act, no time is limited for the Prosecution.

The manner of a Recusant's Submission and Conformity, Co. Ent. 569.

If any Informer upon a Penal Statute, where a Forfeiture is appointed to him that will sue, shall discontinue his Suit, be Non-suit, or the Trial go against him, he shall pay the Defendant his Costs and Charges. Additions to *Benloe 141. Robotbam and Vincent.*

By Courts of Record here are intended, the four ordinary Courts of Record at *Westminster*, and the Informer *qui tam* cannot sue before Justices of Assize, Gaol-Delivery, or Oyer and Terminer. *Jones 193.*

27 Eliz. Cap. 2.

<i>Jesuits and Priests.</i>	<i>Offences.</i>	<i>Penalties.</i> Guilty of High Treason.
	Jesuits, Seminary Priests, and other Ecclesiastical Persons, born in these Realms, and ordain'd by the pretended Authority of the See of Rome, coming into or remaining in the Queen's Dominions,	
<i>Their Aiders.</i>	Their Receivers, Aiders and Maintainers knowing them to be such,	Felony without Benefit of Clergy.
<i>Persons brought up in Seminaries.</i>	All others brought up in Seminaries beyond Sea (and not in Orders) not returning in six Months after Proclamation in London, and within two Days after their Return, submitting, and taking	High Treason.

Offences.

taking the Oath of Supremacy,

Giving, carrying, or sending Relief to any Ecclesiastical Person or Seminary beyond Sea,

A Jesuit, or other Ecclesiastical Person, who, within three Days after his Return, submits and takes the Oath of Supremacy,

Any Person knowing a Jesuit or Priest to remain within the Queen's Dominions, and does not within 12 Days discover him to a Justice of Peace,

The Justice of Peace not discovering it to the Privy Council within 28 Days,

Oaths, Bonds, and Submissions to be certified into the King's Bench within three Months,

Persons having submitted, who, within the space of 10 Years after, shall come within 10 Miles of the Court,

Penalties.

A Premunire.

Relieving them.

Discharged of the Penalties.

Jesuit's Submission.

To be fin'd, and imprison'd at the Queen's Pleasure.

Concealing him.

Forfeits two hundred Marks.

Justice of Peace not discovering him.

In pain of 100 l.

Default of Certifying.

To lose the Advantage of their Submission.

Jesuits coming to Court.

Notes on
27 Eliz.
Cap. 2.

A Jesuit, Priest, or other Ecclesiastical Person's taking the Oath, and making his Submission, will not exempt him from the Danger of this Law; if he do not continue his Obedience to the Laws made in Cases of Religion; for if afterwards he shew his Disobedience by forbearing to come to Church, &c. he may be indicted as a Traitor for coming into the Realm, as if he had never made his Submission.

By her Highness's Laws in this Act, are intended as well those of her Successors as those made in her own time; for in Acts of Parliament, the words *King* and *Queen* include their Successors, unless there be express Words of Restraint. *Com. 176. Hill and Grange. 6. Cal. 27. The Soldier's Case.*

Treason committed in *Ireland* may be tried in *England*: Resolved by all the Judges in *Ororke's Case, Anderson 263 Pl.*

29 Eliz. Cap. 6.

Offences.

Fraudulent
Conveyances
by Pa-
pists.

Recusant charging or incumbering his Estate to prevent Seizures or Forfeitures,

Absenting
from Church
after Con-
viction.

Every Offender not repairing to Church in such of the Terms of *Easter* and *Michaelmas*, as shall first happen next after his Conviction,

Penalties.

Such Charges, &c. against the Queen shall be void.

The Queen may seize all his Goods, and two thirds of his Lands and Tieses for the Forfeitures of 20 l. per Month then due, and afterwards half yearly, for the Forfeitures of 20 l.

When

per

Offences.

When any Indictment is found against such an Offender, and Proclamation made that he render himself to the Sheriff before the next Assizes, and he neglect,

The Offenders conforming,

As to seizing the Recusant's Lands and Tenements, there must first be an Office found for the King, ; for regularly, before such Office found, Lands or Tenements cannot be seized into the King's Hands, *2 Inst. 573. and 8 Co. 169 Stoughler's Case.*

Tho' a Recusant be indicted and convicted, and fail of paying the 20 *l.* per Month, his Goods are not thereby forfeited to the King before Seizure; for the King hath his Election whether he will seize them or no. *Coke Chief Justice, B. R. 12 Jac. Cullom versus Sherman. 1 Rol. 7. Pl. 8.*

Where the Offender's Goods are given to the King by Act of Parliament, all Debts and Personal Chattels, and Actions, are thereby given him as well as Goods in Possession; for instance, Money due to the Recusant upon Bond, &c. the King shall have it.

If an Obligation be forfeited to the King by Virtue of this Statute, he may grant it over, as he may any other Chattel in Acti-

Penalties.

per Month, without any fresh Conviction, until he comes to Church.

Such Neglect shall be as sufficient a Conviction, as if upon the same Indictment a Trial by Verdict had proceeded.

The Forfeiture to cease.

Proclamation.

*Notes on
29 Eliz.
Cap. 6.*

on,

on, under his private Seal, 1 *Rob. 7. Pl. 8. Col-
lom versus Sherman.*

It has been doubted whether Copyhold Lands are liable to be seiz'd by this Act; but in the Case of *Sulbard and Everet, Owen 37.* it is reported, that, after great Debate, it was adjudg'd that Copyhold Lands were not liable to be seiz'd.

35 Eliz. Cap. 1.

Offences.

Penalties.

*Absenting
from
Church.*

IF any one above 16 Years of Age, shall be convicted of absenting himself from Church one Month, without lawful Cause, impugn the Queen's Authority in Causes Ecclesiastical,

He shall be committed to Prison, and there remain until he conforms himself, and makes the Submission prescribed by this Act.

*Impugning
the Queen's
Authority.*

*Frequenting
of Conven-
ticles.*

Frequent Conventicles, or perswade others so to do, on pretence of Exercise of Religion,

*Refusing to
conform 3
Months.*

If within 3 Months after such Conviction he refuses to conform, and submit himself, being thereto lawfully requir'd,

He shall in open Affize or Sessions abjure the Realm.

*Refusing to
abjure.*

If the Offender refuses to abjure, or return without the Queen's Licence,

Felony without Benefit of Clergy.

Submission.

If he submits before he is required to abjure,

Discharged of the Penalties.

The

The Minister of the Parish, where the *Submission*.
Submission is made, shall enter the same in a
Book; and within 10 Days after certify it to
the Bishop of the Diocese.

*Offences.**Penalties.*

The Offender, who, shall have no *Relapse*.
after his Submission, ~~next~~ by his Sub-
falls into a Relapse, ~~mission~~.

The Offender, who ~~forfeits~~ all his *Abjure*.
abjures, or being re- ~~Goods~~ and his
quir'd, refuses so to ~~Lands~~ during Life.
do,

A Feme Covert shall not be compell'd to
abjure.

These Offences create no Corruption of
Blood, Loss of Dower, or Disinheritance of the
Heir.

Submission to be made by a Dissenter, 35. Eliz.

Cap. 1.

I A. B. do humbly confess and acknowledge,
that I have grievously offended God in
contemning her Majesty's Godly and Lawful
Government and Authority, by absenting my
self from Church, and from hearing Divine
Service, contrary to the Godly Laws and Sta-
tutes of this Realm; and in using and fre-
quenting disorder'd and unlawful Conventi-
cles and Assemblies, under Pretence and Co-
lour of Exercise of Religion; and I am hear-
tily sorry for the same, and do acknowledge
and testifie in my Conscience, that no Person
hath, or ought to have, any Power or Au-
thority over her Majesty. And I do promise
and protest, without any Dissimulation, or
any Colour or Means of any Dispensation,
That from henceforth I will from time to time

obey and perform her Majesty's Laws and Statutes in repairing to the Church and hearing Divine Service, and do my utmost Endeavour to maintain and defend the same.

Notes on
35 Eliz.
Cap. 1.

Being thereof lawfully convicted, relates to more Offences than one ; for if he be convicted of Absence from Church, if he be not also guilty of some other Offence here enumerated, as going to Conventicles, or moving or perswading others, &c. the one without the other is not penal by this Act.

It is not necessary the Offender should be convicted of Absence upon any prior Indictment ; for if he offend against this Act in any other particular, he may be convicted both of that Offence, and of his Absence upon the same Indictment, *Mich. 16. Car. 1. The Case of Lee, and others, 1 Cro. 593.*

Every Abjuration is an Exile or Banishment ; and if perpetual, and by Authority of Parliaments, amounts to a Civil Death, insomuch that the Wife of a Man banish'd or abjur'd for ever, might sue or be sued without her Husband, be endow'd, or have her Jointure, as if he were actually dead. *Lady Maltraver's Case, 10 Edw. 3. Lady Belknap, 1 H. 4.* But by this Act the Wife cannot have Jointure or Dower, because the Offender's Lands are forfeited to the Crown during his natural Life.

35 Eliz. Cap. 2.

Offences.

A Popish Recusant above 16 Years of Age, who does not within 40 Days after his Conviction repair to his Dwelling, and remain there (not going above five Miles from thence)

If he hath no certain Place of Abode, he is to repair to the Place where he was born, or where his Father and Mother dwell'd; and within 20 Days after, to give his Name in Writing to the Minister, Constables and Headboroughs, who are to certify the same to the next Quarter Sessions, to be enroll'd; the Minister is to enter it in a Book to be kept for that Purpose.

The Offender being a Copy-holder,

A Popish Recusant (being no Feme Convert, nor having Lands worth 20 Marks per Ann. or Goods worth 40 l.) who doth not within the time limited repair to the Place of his Abode, or departs above five Miles thence, and do not within

Penalties.

Forfeits all his Goods; his Lands and Annuities during Life.

Recusant Convict not to go above five Miles from his House.

Forfeits his Copyhold for Life to the Lord of the Manor (being no Recusant.)

If have no Lands worth 20 l. Marks per Ann. &c.

Offences.

within three Months after his Apprehension, make the Submission herein prescribed, being requir'd by the Bishop, Justice of the Peace, or Minister of the Parish so to do,

To abjure.

Not departing in the time set.

Such Popish Recusant not departing within the time limited by the Justices, or the Coroner, or returning without Licence,

Jesuit refusing to be examin'd.

A Jesuit, or Priest, or one suspected to be so, refusing to answer whether he be so or not,

Conforming.

Such Offender before Conviction, repairing to Church some Sunday or Holy-day, and hearing Divine Service, and before the Gospel, making the Confession here prescribed,

Relapsing.

The Offender, after Submission, relapsing,

Penalties.

Shall before two Justices of the Peace, or Coroner, **abjure the Realm**; which Abjuration shall be certified at the next Assizes or Gaol-Delivery.

Adjudged a Felon without Benefit of Clergy.

To be committed to Prison till he answers directly.

Discharged of the Penalties inflicted by this Act.

Shall have **no Benefit by his Submission.**

The Minister of the Parish, where such Submission is made, shall enter the same in a Book,

Book, and certifie it to the Bishop within 10 Days.

Married Women are included, save in the Clause relating to Abjuration. *Married Women.*

Submission to be made by a Popish Recusant,
35 Eliz. Cap. 2.

I A. B. do humbly confesse and acknowledge, that I have grievously offended God in contemning her Majesty's Godly and Lawful Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm, and I am heartily sorry for the same; and I do acknowledge and testify in my Conscience, That the Bishop and See of Rome, hath not, nor ought to have, any Power or Authority over her Majesty, or within any her Majesty's Realms or Dominions: And I do promise and protest, without Dissimulation or any Colour, or Means of any Dispensation, That from henceforth I will from time to time obey and perform her Majesty's Laws and Statutes in repairing to Church, and hearing Divine Service, and do my uttermost Endeavour to maintain and defend the same.

If a Popish Recusant repairs to the Place appointed him by this Act, and keeps within the Compass of five Miles, but omits to present himself, and deliver his Name, as the Act requires, he shall not forfeit his Lands or Goods by such Omission, but he may be indicted for his Neglect, and fin'd; for where an Act of Parliament commands any thing to be done, and inflicts no Penalty, an Indict-

Notes on
35 Eliz.
Cap. 2.

ment lieth against the Person who ought to do it, for his Neglect or Omission, 2 *Inst.* 55. 163. *Cro.* 655. *Crowther's Case.*

The Offender who is requir'd to abjure, is oblig'd by this Act to depart from the Port assign'd him, and within the time limited by the Justice of Peace, &c. inſomuch that if he go from any other Port, or ſtay beyond his time, tho' he does go afterwards, he ſhall be deem'd a Felon.

One Juſtice may examine a Perſon ſuſpected to be a Priſt or Jeſuit, and on his Refuſal to anſwer, commit him; but the Perſon ſuſpected is not compellable by this Act to anſwer any other Queſtions, than whether he be a Jeſuit, Seminary, or Maſſing Priſt.

A Perſon ſummon'd or cited by any Court to appear, does not come within the Danger of this Act for travelling above five Miles from home.

I *Jac.* Cap. 4.

Offences.

*The Heir of
a Recuſant
conforming.*

WHere the Anceſtor dies a Recuſant, the Heir being none, or conforming, and taking the Oath of Supremacy before the Biſhop of the Dioceſs,

*Continuing
a Recuſant.*

If the Heir continues a Recuſant when he comes to 16 Years of Age,

Penalties.

His Land ſhall be freed from all Penalties.

His Lands ſhall not be freed until he conform and take the Oath of Supremacy.

A third part of every Recusant's Lands shall remain clear to him from Seizure and Extent, and the other two Parts shall remain in the King's Hands (both before and after the Recusant's Death) until the King shall be fully satisfied all the Arrears for 20 l. per Month, according to the 23d Eliz. cap. 1.

Offences.

Whoever shall send a Child, or other Person under their Government beyond Sea, to the Intent to enter into or be resident in any Popish College or Seminary, or to repair to the same to be instructed in Popery,

Penalties.

Forfeits 100 l.

Sending a Child to a Seminary.

Every Person so passing, or being sent beyond Sea,

Disabled to inherit, purchase, take, ^{*The Person*} or enjoy any Lands, Annuities, Profits, Hereditaments, Goods, Chattels, Debts, Legacies, or Sums of Money within this Realm.

All Estates and Interests made, suffer'd, or done, for the Use, Benefit, or Relief of such Person mediately or immediately,

To be void to all ^{*Estates for the Use of a Child so sent are void.*} Intents and Purposes.

A Child under the Age of 21, being suffer'd to pass the Seas

The Officers of the ^{*Infants going beyond Sea.*} Ports shall forfeit their Offices and all their Goods;

*Offences.**Penalties.*

Seas without Licence from the King, or six of the Council under their Hands (except Sailors, Merchants, &c.)

Goods; the Owner of the Ship his Ship and Tackle, and the Master and Mariners all their Goods, and shall suffer a Year's Imprisonment.

School-master.

Whoever shall keep a School out of the Universities, except a Free School, or in some Person's House that is no Recusant; or by Licence of the Bishop or Ordinary,

As well the School-master as the Person retaining him shall Forfeit 40 s. a Day.

The one half of the Forfeitures in this Act to the King; the other to him that will sue for the same in any of the Courts at *Westminster*.

Notes on
1 Jac. 1.
Cap. 4.

If Judgment be had at the King's Suit against a Recusant, Tenant in Tail, who dies, his Heir in Tail will not be discharged, unless he conforms, but must satisfy all the Arrears incurr'd in the Life of his Ancestor; and if two thirds of the Recusant's Lands were actually seiz'd before his Death, upon an Indictment and Judgment thereupon, and continue so seiz'd at that time; neither his Fee-simple or Intail'd Lands shall be discharg'd upon the Heir's Conformity, without Payment of the Arrears; but if he had been convicted upon Proclamation and Default, tho' his intail'd Lands were seiz'd in his Life-time for Non-payment of the 20 l. per Month, his Heir in Tail shall have the Land out of the King's Hands, without paying the Arrears, such Conviction

viction being in the Nature of a Verdict only, and not of a Judgment, 1 *Rob.* 94. *Foster's* Case.

3 *Jac.* 1. *Cap.* 4.

Offences.

A Popish Recusant Convict that conforms, and does not within one Year after, and so once in every Year, receive the Sacrament,

If after he has received the Sacrament, he makes Default a whole Year,

If the Church-wardens and Constable do not once every Year at the Quarter Sessions present the Monthly Absence from Church of every Popish Recusant in their Parish, and their Children above 9 Years old, and their Servants, with the Age of their Children,

If upon such Presentment (being the first) the Recusant be convicted,

Justices of Assize and of the Peace in their Sessions may hear and determine of all Recusant

Penalties.

Forfeits for the first Year 20 *l.* for the second 40 *l.* and for every Default after 60 *l.* Not receiving the Sacrament.

He forfeits 60 *l.* Default after receiving.

They forfeit 20 *s.* for every Default. This Presentment the Clerk of the Peace, or Town-Clerk, shall record without Fee, in pain of 40 *s.* Absence from Church to be prosecuted by the Church-Wardens yearly.

The Officer that presents him shall have 40 *s.* to be levy'd by Warrant on the Recusant's Goods. Officer presenting Recusants.

sant

sants and Offences, as well for not receiving the Sacrament by this Act, as for not coming to Church by former Laws.

Offences.

Proclamation.

And may make Proclamation that the Recusant render himself to the Sheriff before the next Assizes or Sessions respectively,

Absence from Church.

Every Offender not repairing to Church, according to the aforesaid Statutes,

Penalties.

And if the Recusant do not render himself, the Default shall be recorded, and shall be taken for as sufficient a Conviction as a Trial by Verdict.

Shall upon such of the Terms of *Easter* or *Michaelmas*, as shall happen next after his Conviction, pay the Sum then due for the forfeiture of 20 *l.* per Month, and yearly after that in the same Term, according to the Rate of 20 *l.* per Month, except where the King shall take two thirds of their Lands, or they conform.

Conviction to be certified into the Exchequer.

Every Conviction shall, before the End of the following Term, be certified into the Exchequer, that the Court may award Process for Seizure of the Offender's Goods, and two Parts of his Lands and Leases, in Case the 20 *l.* per Month be not paid as aforesaid.

The King to make his Choice.

The King may refuse 20 *l.* per Month, and take two thirds of the Lands and Leases, saving to the Recusant his Mansion-house.

The

Offences.

Two Justices of the Peace (*Quorum unus*) or the Bishop of the Diocese, may tender the Oath hereby enjoyn'd to any Person under 18, and not Noble who stands indicted or convicted of Recusancy, and hath not received the Sacrament twice in the Year before, or that passing thro' the Country, and examin'd upon Oath, confesses or denies not his being a Recusant, or his Neglect of the Sacrament as aforesaid,

The Bishop or Justice shall certify the Name and Dwelling of the Person taking the said Oath at the next Sessions, to be enroll'd by the Clerk of the Peace, or Town-Clerk.

No Indictment against a Recusant shall be revers'd for want of Form, other than by direct traverse to the Point of not coming to Church, or not receiving, &c.

The Party con-
forming,

Whoever shall go out of the Realm to serve any Foreign Prince or State without taking the said Oath,

IF

Penalties.

The Persons refusing to answer upon Oath, or to take the said Oath, shall be committed to Prison without Bail till the next Assizes or Sessions, where, if they again refuse, they shall incur a Pre-
munire, except married Women, who shall be imprison'd till they take it.

Oath of Obedience to be taken.

Penalty of Refusal.

Second Refusal.

Admitted to discharge, or reverse the Indictment, *Conforming.*

Shall be adjudged
a felon.

Serving a
Foreign
Prince.

He

*Offences.**If an Officer,*

- If he have been a Military Man,

*Officers of the Ports to certify Bonds and Oaths.*Every Customer or Comptroller of the Ports, or their Deputies, may take such Bond and tender the Oath; for which they shall take but 6 *d.*

- They shall certify the Bonds into the Exchequer once every Year,

And every Oath in like manner,

Withdrawing Persons from their Obedience.

Persons absolving or withdrawing any Subject from the Obedience of his Majesty, or reconciling them to the Pope or See of Rome, or moving them to promise Obedience thereto, or to any other Prince or State; and Persons being so absoly'd, reconcil'd, &c.

Submission to be certified.

The Bishop or Justices shall certify this Submission or Conformity to the next General Sessions,

Per-

Penalties.

He shall enter into Bond to the King with the Condition herein specified,

*In pain of 5 l.**In pain of 20 s.*

Shall be adjudged guilty of High Treason, but not extend to such (as to the Point of being reconciled only) as shall return into the Realm, and within six Days after their Arrival, submit themselves before a Bishop or two Justices, as the Act directs, and take the Oaths,

In pain of 40 l.

For

Offences.

Persons not repairing every Sunday to some Church or Chapel,

Confession or one Witness, Prosecution in a Month,

Whoever shall keep or retain in the Houses any Person (Servants or others) absenting themselves from Church by the Space of a Month together,

The Sheriff, upon a lawful Writ, may justify breaking the House for the taking a Recusant Excommunicate.

Justices of the Peace in their Sessions, as well as Justices of Assize and King's Bench, may enquire of these Offences, except Treason.

The Offences made Felony by this Act, cause no Loss of Dower, Corruption of Blood, or Disheirison of the Heir.

None shall be punish'd for his Wife's Offences, nor any married Woman chargeable with the Penalties and Forfeitures in this Act, for not receiving the Sacrament. Six of the Privy-Council (whereof the Chancellor, Treasurer, or Secretary, to be one) may tender

Penalties.

Forfeit 12 d. for Absence
every Neglect, to be levied by Warrant from Church.
from one Justice by Distress and Sale of the Offender's Goods for the Use of the Poor; in default of a Distress to be committed till Payment.

Forfeits 10 l. for every Month they so keep them.

Children may keep Harboursing
their Parents, and such as absents themselves above
Guardians their Wards a Month.
and Pupils notwithstanding.

Married Women.

Nobility.

the

the said Oaths to any of the Nobility above 18, who incur a Præmunire on their Refusal.

*The Oath of Allegiance or Obedience enjoyn'd
to be taken by 3 Jac. 1. Cap. 4.*

I A. B. do truly and sincerely acknowledge, I profess, testify and declare in my Conscience before God and the World, That our Sovereign Lord King James is Lawful and Rightful King of this Realm, and of all other his Majesty's Dominions and Countries; and that the Pope, neither of himself, nor by any Authority of the Church or See of Rome, or by any other Means with any other, hath any Power or Authority to depose the King, or to dispose of any of his Majesty's Kingdoms or Dominions; or to authorize any Foreign Prince to invade or annoy him or his Countries; or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty; or to give Licence or Leave to any of them, to bear Arms, to raise Tumults, or to offer any Violence or Hurt to his Majesty's Royal Person, State or Government; or to any of his Majesty's Subjects within his Majesty's Dominions.

Also I do swear from my Heart, That notwithstanding any Declaration or Sentence of Excommunication or Deprivation, made or granted by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See against the said King, his Heirs, or Successors, or any Absolution of the said Subjects from their Obedience; I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors,
and

and him and them will defend to the uttermost of my Power against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by Reason or Colour of any such Sentence, or Declaration, or otherwise; and will do my best Endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treason and Traiterous Conspiracies which I shall know or hear of to be against him, or any of them.

And I do further swear, That I do from my Heart abhor, detest, and abjure as Impious and Heretical this damnable Doctrine and Position, That Princes which be excommunicated, or deprived by the Pope, may be deposed or murder'd by their Subjects, or any other whatsoever.

And I do believe, and in my Conscience am resolved, that neither the Pope, nor any Person whatsoever, hath Power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully administred unto me, and do renounce all Pardons and Dispensations to the contrary.

And all these Things I do plainly and sincerely acknowledge and swear, according to the express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation or Mental Evasion, or secret Reservation whatsoever. And I do make this Recognition and Acknowledgment heartily, willingly and truly upon the true Faith of a Christian.

*The Condition of the Bond to be executed by
Officers going beyond Sea. 3 Jac. 1. Cap. 4.*

THAT if the within bounden *A. B.* shall not at any time then after be reconciled to the Pope or See of *Rome*, nor shall enter into, nor consent unto any Practice, Plot, or Conspiracy whatsoever against the King's Majesty, his Heirs and Successors; or any of his or their Estate, or Estates, Realms or Dominions, but shall within convenient time after Knowledge thereof had, reveal and disclose to the King's Majesty, his Heirs and Successors, or some of the Lords of his or their Honourable Privy Council, all such Practices, Plots and Conspiracies; then the said Obligation to be void.

*Notes on
3 Jac. 1.
Cap. 4.*

If the Recusant appear of Record at the next Assizes, Goal Delivery or Quarter Sessions, it will be sufficient to save his Default, tho' he did not render himself to the Sheriff upon the Proclamation. Upon his Appearance, he must take care to have it enter'd by the Clerk of the Assizes, or Clerk of the Peace; for if by mistake they should record a Default, he has no Remedy but an Action of the Case against such Clerk of the Peace, &c. and will stand convicted.

If one be indicted and convicted of Recusancy, the King need not wait till next *Easter* or *Michaelmas* Term, to see whether the Recusant will tender the Forfeiture of 20 *l.* per Month; for it is at the King's Election, whether he will accept the Forfeiture, or seize two Parts of the Lands immediately upon the Conviction; so that the King has a greater Advan-

Advantage than he had by the 29 *Eliz.* for the Tender of the Forfeiture of 20 *l.* per Month will not save the Seizure. *Jones* 24, 25.

Where the King refuses the 20 *l.* per Month, the Recusant's Goods cannot be seiz'd, but only two Parts of his Lands, and the Recusant is no longer liable to pay the Twenty Pounds per Month. *Jones* 24. *Standen's Case*.

If any Person (not noble) happen to be at the Assizes or Quarter-Sessions, though not brought in upon Process for Recusancy, and the Oath be tendered him, and he refuses it, he shall incurr a *Præmunire*, tho' it were never tendered him before. 12 *Coke* 131.

If he refuse one word of the Oath, 'tis a Refusal of the whole. 1 *Bulst.* 198. *Lord Vaux's Case*.

By the Service of a Foreign Prince is meant Civil or Domestick Service as well as Military; so that to serve a Foreign Prince in any Capacity without the Qualifications here requir'd, is Felony, 3 *Inst.* 80. And if such Person go over in order to enter into Service, &c. tho' he never be receiv'd into Service, it is Felony, without the Qualifications requir'd; and tho' he does not go over with that Design, yet if he be retain'd in such Service, 'tis equally penal.

The Offender against any Branch of this Statute might have Clergy.

The Justice of Peace is Judge whether the Party who incurs the Penalty of 12 *d.* for not repairing to Church have a reasonable Excuse for his Absence, and whether it be sufficiently prov'd; and this cannot be brought into Dispute elsewhere by the Offender.

This repairing to Church ought to be to Evening as well as Morning Prayers, (but I suppose that is meant in such Parishes where the Service is read Morning and Evening) *Dalton, cap. 81. Tit. Recusants, p. 183.*

The 10 l. Penalty for keeping Servants that are Recusants extends to Stewards, and such other Servants as are not kept in the House.

If a Parent that is a Recusant have a sufficient Maintenance of his own, such of his Children as harbour him in their Houses are liable to the Penalty of 10 l. a Month.

My Lord *Vaux* having incurr'd a Præmunire, by refusing the Oaths, the Court of King's Bench deny'd him Counsel or Trial by his Peers, it being held that the Trial of a Noble-man by his Peers, is at common Law only in four Cases, *viz.* Treason, Felony, and Misprision of each, but not to be allow'd in a Præmunire, that being in effect no more than a Contempt.

3 Jac. 1. Cap. 5.

Offences.

*Discovery
of such as
harbour
Priests, &c.*

Whoever within 3 Days after the Offence shall discover to a Justice of Peace anyone that harbours a Popish Priest, or discover any that has heard or said Mass,

*Recusant
coming to
Court.*

° Recusant Convict coming to Court without Command from the King, or Warrant

Penalties.

Shall have a third Part of the Forfeiture, if it do not exceed 150 l. and then he shall have but 50 l.

Forfeits 100 l. to be divided between the King and the Discoverer
Such

Offences.

rant from the Privy Council under their Hands,

If a Popish Recusant Convict, or Indicted; or any other Person absenting from Church for three Months, that remains in *London*, or 10 Miles of the same, shall not depart thence within 10 Days after such Conviction or Indictment; and also deliver his Name in *London* to the Mayor, or in the County to the next Justice of Peace.

Penalties.

Such Person shall ~~forfeit~~ 100 *l.* to be divided between the King and the Prosecutor. This shall not extend to Tradesmen, or such as have no other Habitation than in *London*, and 10 Miles distance.

*Recusant
Convict not
departing
London
in 10 Days.*

It shall be lawful for a Recusant to travel about his Business as far as a Licence (obtain'd from the King, or from three of the Privy Council under their Hands, or four of the next Justices of the Peace under their Hands and Seals, with the Assent in Writing of the Bishop, Lieutenant, or Deputy-Lieutenant of the County) shall give him leave, notwithstanding the Statute of 35 *Eliz.* 2. which Licence shall not be granted by the said Justices till the Party hath made Oath of the true Reason of his Journey, and that he shall make no causeless Stays.

*Licenc'd to
travel.*

*Offences.**Excluded
from the
Practice of
Law or
Physick, &c.*

A Recusant Convict practising the Common or Civil Law, Physick, or the Art of an Apothecary, or being an Officer in any Court, or bearing any Office among Soldiers, or in a Ship, Castle, or Fortrefs,

*Excluded
from public
Offices.*

A Popish Recusant Convict (or any one whose Wife is such) unless he himself, his Servants, and Children of 9 Years old, repair to Church once a Month,

*Married
Women not
conforming.*

A married Woman being a Popish Recusant Convict, whose Husband is not, if she do not conform one whole Year before his Death,

*Recusant
disabled
as one
Excommunicated.*

A Popish Recusant, after Conviction, until he submit and conform as aforesaid,

A

Penalties.

Forfeits 100 l. to be divided between the King and the Prosecutor.

Disabled to execute any publick Office in the Commonwealth by himself or his Deputy.

Forfeits the Issues and Profits of two Parts of her Jointure, and two Parts of her Dowry; and is disabled to be Executrix or Administratrix to her Husband, or to have any Part of her said Husband's Goods or Chattels, by any Law, Custom, or Usage whatsoever.

Shall be disabled as a Person excommunicate, save that he may sue for his Interests in Lands

Offences.

A Popish Recusant Convict being married otherwise than in open Church, and according to the Orders of the Church of *England*, by a Minister lawfully authorized,

A Woman Recusant married otherwise than as aforesaid,

Every Popish Recusant Convict who shall not cause his Child to be baptized by a lawful Minister of the Church of *England* in open Church within one Month after it is born,

Penalties.

Lands not seiz'd into the King's Hands.

Disabled and excluded to have any ^{*Marriage of a Recusant.*} Estate of Freehold in the Lands, &c. of his Wife as Tenant by the Curtesy; and if the Wife have no Lands whereby he can, he shall forfeit 100 l. to be divided between the King and the Prosecutor.

Disabled not only to Claim any Dowry or Jointure, but also her Widow's Estate and frank Bank in any Customary Lands, and disabled to enjoy any Part of her Husband's Goods by Virtue of any Custom. ^{*Of a Woman Recusant.*}

The Husband shall forfeit 100 l. if he outlive the Month; and if he do not, the Wife shall forfeit 100 l. to be divided in three Parts, one to the King, another to the Prosecutor, and the other to the Poor of the Parish. ^{*Of Baptizing their Children.*}

A

D 3

His

*Offences.**Where to
be buried.*

A Popish Recusant
Convict not being bu-
ried in the Church or
Church-yard,

*Child sent
beyond Sea.*

A Child (not be-
ing Soldier, Merchant,
or Mariner) sent be-
yond Sea without the
King's Licence, or six
of the Privy Council,
(whereof the princi-
pal Secretary to be
one)

*Person
sending
him.*

The Person send-
ing such Child,

*Popish Pa-
tron.*

A Popish Recusant
Patron to a Benefice,

A Clerk having a
Benefice with Cure,

*Disabled to
be Execu-
tors.*

Popish Recusant
Convict,

Who-

Penalties.

His Executor, or
Administrator, or the
Person who caus'd
him to be otherwise
buried, shall forfeit
20 l. to be divided
and disposed as afore-
said.

Incapable of en-
joying any Lands
or Goods by Descent
or Grant, until he,
(being 18 Years of
Age) take the Oath
of Allegiance; and
the next of Kin to
enjoy them till he
does take the Oath
and conform, being
accountable for the
Profits.

Forfeits 100 l. to
be divided and em-
ployed as aforesaid.

Disabled to pre-
sent, but the Univer-
sities within the seve-
ral Counties respec-
tively allotted them
to present in his stead,

Incapable of being
presented by the Uni-
versity.

Disabled to be
Executor, Admini-
strator, or Guardi-
an; and his Right de-

Offences:

Whoever imports, prints, buys or sells any Popish Books written in *English*,

Every Popish Recusant Convict, or whose Wife is such,

If it be a Crucifix, or other Relique of Value,

Popish Recusant Convict keeping Arms

Such Recusant's Arms shall be kept at his Cost, where the Justices appoint; and shew'd at every Muster, with his Horse; which he shall buy and maintain as other Subjects do.

Such Recusant refusing to discover and deliver his Arms,

Penalties.

devolves upon the next of Kin who can't inherit.

~~Forfeits~~ 40 s. for every Book, to be divided and employed as aforesaid. *Popish Books.*

Two Justices, and all Mayors and Head Officers, may search their Houses and Lodgings for Popish Books and Reliques, and may burn or deface them. *Searching for Books and Reliques.*

To be defac'd in open Sessions, and restor'd to the Owner. *Defacing Reliques.*

Four Justices at the Quarter-Sessions may by their Warrant authorize Persons to seize them, except what they think necessary for the Defence of his House. *Recusant's Arms.*

They shall be ~~for~~ *Refusing to deliver them.* seized to the King, and the Offender shall suffer three Months Imprisonment.

Notes on
3 Jac. 1.
Cap. 5.

It is observable that the King, or three of the Privy Council, need not express any necessary Occasion or Business the Recusant has to travel in the Licence, or tender him the Oath; but the Justices of Peace cannot grant him a Licence but on those Terms.

The Bishop, Lieutenant, or Deputy-Lieutenant, must be a distinct Person from the four Justices who grant the Licence, for a Justice of Peace, who is Deputy-Lieutenant, cannot in this Case act in both Capacities; and if he Sign and Seal the Licence as Justice of Peace, the Assent of some other Deputy-Lieutenant, &c. must be had, or the Licence is void. *Maxfield's Case*, 2 Cr. 352.

A Popish Recusant Convict is disabled as an excommunicate Person to be a Witness in any Cause between Party and Party. *Inst. Bulstrode* 155.

A Woman who marries otherwise than according to the Rites of the Church of *England*, is not disabled to enjoy such Goods as are left her by her Husband's Will, but only such as she claims by Custom.

It has been held, that a Popish Recusant Convict, who marries an Heiress in other manner than the Act directs, if he have no Child by her born alive, so that he cannot be Tenant by the Curtesy, yet the Possibility that he once had, satisfies the Intent of the Act, and he shall not forfeit the 100 *l.* But 'tis plain, in Case she have Lands of never so small a Value, and have Issue born alive, he will save the 100 *l.*

If a Child be sent beyond Sea, contrary to this Act, and the Lands are to be enjoy'd by the next of Kin, the Mother shall be prefer'd before his Brother or Sisters; and where there are three Brothers, and the two eldest die,

die, leaving each a Son, and the Son of the Eldest goes beyond Sea, his youngest Uncle shall have the Lands by Virtue of this Act, and not the Son of the second Brother, for that the youngest Uncle hath in him *ius propinquitatis*, as being the Uncle, and so nearer than the Cousin German, and yet the Son of the second Brother is Heir at Law, 1 *Inst.* 10. *Palmer* 304, 305. *Pervian* and *Pierce*.

A Popish Recusant that is not convicted at the time of the Death of the Testator, is not disabled to be Executor, altho' he be convicted at the time of the Probat of the Will.

7 *Jac.* 1. *Cap.* 2.

Offences.

Persons not having received the Sacrament one Month before their Bill exhibited, and taken the Oaths of Allegiance and Supremacy,

Penalties.

Incapable of being Naturalized. *Naturalization.*

7 *Jac.* 1. *Cap.* 6.

ALL Persons Ecclesiastical and Temporal, of what Degree or Quality soever, being above 18 Years of Age, to take the Oath of Obedience in 3 *Jac.* 14. (If a Baron, &c. to be tender'd by a Privy Counsellor, or Bishop of the Diocese. If under that Degree, by two Justices (*Quorum unus.*)) *Oath of Obedience enforce'd.*

Every Baron and Baroness standing indicted, presented or convicted, of not coming to Church, or not receiving the Sacrament according to the Church of *England*,

Three of the Privy Council (whereof the Lord Chancellor, Privy Seal, or principal Secretary to be one) to tender them the Oath of Obedience. The

A Baron Convicted of Recusancy.

Offences.**Commoner
Convicted.**

Every other Person under that Degree standing presented, or indicted as aforesaid; or of whom the Minister, Churchwardens, or Constables of any Parish, or any two of them shall complain to a Justice of Peace, and the Justice shall find Cause of Suspicion,

**Refusing
the Oath
on a second
Tender.**

Such Person refusing the said Oath, being again tender'd at the Assizes or Sessions,

**Disabili-
ties.**

Every Person who shall refuse the said Oath of Obedience, being tender'd by two Justices (*Quorum unus*),

**Married
Women
Convicted.**

Every married Woman being a Popish Recusant. Convict, who shall not conform within three Months after Conviction,

Penalties.

The Justice of Peace in either of the said Cases to tender the said Oath of Obedience, and upon refusal, to commit the Party to Prison, there to remain without Bail, until the next Assizes or Sessions.

Incurrs a Pre-
munire, other than a married Woman, who shall be imprisoned till she takes it.

Disabled to execute any Office (not being an Office of Inheritance) to practice the Common Law, Physick, Surgery, the Art of an Apothecary, or any Liberal Science for Gain.

To be committed to Prison without Bail until the conform, unless her Husband will pay to the King 10 *l.* per Month, or yield him a third Part of his Lands.

If

If such married Woman be a Baronefs, the *Baronefs.* Bishop of the Diocefe, or one of the Privy Council, may commit her; if under that Degree, two Juftices (*Quorum unus.*)

The two Juftices may tender this Oath of Obedience to any Persons within their Jurisdiction, though their Dwelling be in another County. 2 *Bulft.* 156. The King againft *Griffith.* *Notes on*
7 *Jac.* 1.
Cap. 6.

A Baronefs, or any other Woman above that Degree, having acquired the Honour by Marriage, if ſhe afterwards marry a Commoner, and is convicted of Recufancy, &c. a Juftice of Peace may tender her the ſaid Oath; for the Honour that is obtain'd by Marriage, may alfo be loft by Marriage. 2 *Inft.* 50.

It is not every bare Suspicion that will authorize a Juftice of Peace to tender this Oath, and commit the Party on his Refusal; but there muſt be ſome good Cause of ſuch Suspicion; for the Cause of Suspicion is traversable, and whether it be juſt and lawful, ſhall be try'd in the Courts above. 2 *Inft.* 52.

If any of the Nobility reſuſe the Oath, being tender'd by Persons authorized by this Act, they may be committed to the common Gaol. 12 *Coke* 131.

A Perſon cannot be ſaid to reſuſe this Oath, until it be read, or offer'd to be read, to him.

3 *Car.* 1. *Cap.* 2.

Offences.

Whoever ſhall paſs or go, convey or ſend, any Child, or other Perſon

Penalties.

The Perſons ſo ſending, or relieving, &c. and the Perſons ſent, being thereof *Persons going, or ſending Children beyond Sea, into Popiſh Seminaries.*

Offences.

son beyond Sea, to the Intent to enter into, be resident, or train'd up in any Convent, College, School, or Popish Family, and shall be there instructed in the Popish Religion; or shall convey, or cause to be convey'd, or send any Relief to such Person, or to the Relief of such College, &c.

*Returning
and Con-
forming.*

Persons who conform within six Weeks, after their Return home,

*Where tri-
ed.*

These Offences to be try'd before the Justices of the King's Bench, Assize, Gaol-Delivery, and Oyer and Terminer, of the Counties where the Offenders last dwell'd, whence they departed from, or were taken in.

13 & 14 Car. 2. Cap. 1.

*Quakers
refusing to
swear.*

IF any Person who maintains that the taking an Oath is unlawful, refuse to take an Oath when he is lawfully requir'd, or endeavours to persuade others to refuse, or by printing, or otherwise, maintains that the taking an Oath in any Case is

Penalties.

convicted, Disabled to prosecute any Suit in Law or Equity, to be Guardian, Executor, or Administrator, or capable of a Legacy or Deed of Gift, or to bear Office, forfeit all their Goods and Chattels; and forfeit their Lands, Rents, Annuities, &c. for Life.

Not to incur the Penalties above,

Forfeit a Sum not exceeding 5 *l.* for the first Offence; and a Sum not exceeding 10 *l.* for the second Offence, to be levy'd by Distress and Sale of the Offender's Goods. Where no Distress can be had, and the Penalty is not paid within one Week af-

Offences.

is unlawful; or if five or more of the People called *Quakers*, being 16 Years of Age, assemble under Presence of Religious Worship,

Penalties.

after Conviction, the Offender to be committed three Months for the first, and six for the second Offence, and to be kept to hard Labour; for the third Offence to abjure the Realm, or be transported to the Plantations. Frequenting their Conventicles.

Every Justice of Peace, Mayor, &c. may commit the Offender, until the Assizes or Sessions, where he may be try'd. Offenders to be committed.

Offender, after Conviction, taking the Oaths, and giving Security not to frequent their Conventicles,

To be discharged of the Penalties. Submitting.

14 Car. 2 Cap. 14.

EVery Parson, Vicar, or other Minister, enjoying any Ecclesiastical Benefice or Promotion, who shall not before the Feast of St. Bartholomew, 1662. read the Service in the Common - Prayer - Book, and declare his unfeign'd Assent and Consent to all Things contained therein, in the Form herein prescribed,

To be *ipso facto*, depri'd of all their Spiritual Promotions. Clergy to declare their Assent to the Book of Common Prayer.

*Offences.**Two Months
after In-
duction.*

Every Person here-
after to be admitted
to any Spiritual Pro-
motion, who shall neg-
lect to read the Ser-
vice two Months af-
ter he shall be in Pos-
session of his Bene-
fice,

*To read the
Service
once a
Month.*

Every Incumbent
residing on his Bene-
fice, and keeping a
Curate, who shall not
himself read the Ser-
vice once a Month,
&c.

*Proof and
Conviction.*

Proof to be by two
Witnesses before two
Justices of the Peace,

*Heads, &c.
of the Uni-
versities to
declare the
Unlawful-
ness of ta-
king up
Arms, &c.*

All dignify'd Cler-
gymen, Heads of Col-
leges, Professors and
Readers in the Uni-
versities, and all others
in Holy Orders, Tu-
tors and School-ma-
sters, who shall not
make the Declaration
hereto annexed, That
it is not lawful to take
up Arms, &c.

*School-ma-
sters to sub-
scribe it.*

School-masters and
private Tutors teach-
ing before they have
obtain'd a Licence,
and subscrib'd the De-
cla-

Penalties.

*To be depriv'd in
like manner.*

To forfeit 5 l. and
on Default of Pay-
ment by the space of
ten Days, the Penal-
ty to be levy'd by Di-
stress and Sale of the
Offender's Goods.

To be *ipso facto* de-
priv'd and disabled
to hold any of their
Places or Prefer-
ments.

To suffer three
Months Imprison-
ment for the first Of-
fence, and for every
other Offence, three
Months

Offences.

claration aforesaid,

The Incumbent not procuring a Certificate from the Ordinary of his subscribing the said Declaration, and reading it with the said Declaration some Sunday within three Months after his Subscription,

Whoever shall take any Ecclesiastical Preferment, or administer the Sacrament of the Lord's Supper, before he shall be ordained Priest,

No other Form than the Common-Prayer to be used in any publick Place of Worship.

All Heads of Colleges, who shall not within one Month after Admission, subscribe the 39 Articles, and declare their Assent as aforesaid, and such of them as are in Orders read the Service publickly once a Quarter,

The Colleges of *Westminster, Winchester and Eaton*, at Liberty to use the Service in Latin.

Penalties.

Months Imprisonment, and forfeit 5 l.

To be deprived, ^{Benefic'd Clergy.} and disabled to hold his Benefice or Promotion.

To forfeit 100 l. for every Offence, one Moiety to the King, the other between the Poor and the Prosecutor, and disabled to enter into Priests Orders for one Year.

To be suspended by the Visitor from the Profits of their Governments for six Months; and if they do not conform at the end of six Months, their Governments to be void.

Persons not in Priests Orders, taking a Living, or giving the Sacrament.

Common-Prayer to be us'd in Churches.

Heads of Colleges to declare the Assent.

And read the Service Quarterly.

Service in Latin.

Lectu-

*Offences.**Penalties.**Lecturers to
declare the
Assent.**And read
the Service
Monthly.**Offenders
committed
by two Ju-
stices.**Prayers to
be before
Lecture.*

Lecturers and Preachers, who shall not, before the first time of their Preaching, read the 39 Articles, and declare their Assent to the same, and read the Service, and declare their Assent and Consent as aforesaid; and also the first Lecture-Day of every Month read the Service, and declare their Assent and Consent to it,

Persons presuming to preach who are disabled by this Act,

Disabled to preach, until they conform according to the Statute.

To be committed for three Months by two Justices, the Mayor, &c. upon Certificate from the Ordinary.

The Service for the time of Day to be read by some Priest or Deacon before every Lecture.

The Declaration of Assent and Consent to the Book of Common-Prayer required by this Act.

*Declara-
tion of Assent.*

I A. B. do declare my unfeigned Assent and Consent to all and every thing contained and prescribed in and by the Book entituled, *The Book of Common-Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches;*

Churches; and the Form and Manner of making, ordaining and consecrating of Bishops, Priests and Deacons.

The Declaration or Acknowledgment concerning the Unlawfulness of taking up Arms against the King.

I A. B. do declare, That it is not lawful upon any Pretence whatsoever, to take up Arms against the King; and I do abhor that traiterous Position of taking Arms by his Authority against his Person, or against those that are commission'd by him; and that I will conform to the Liturgy of the Church of England, as it is now by Law establish'd. [And I do declare, that I do hold there lies no Obligation upon me, or any other Person, from the Oath commonly called, *The solemn League and Covenant*, to endeavour any Change or Alteration of Government, either in Church or State; and that the same was in it self an unlawful Oath, and imposed upon the Subjects of this Realm against the Laws and Liberties of this Kingdom.]

Declaration concerning taking Arms against the King.

The latter Part relating to the solemn League and Covenant to be omitted after the 25th of March, 1683.

17 Car. 2. Cap. 2.

Offences.

A L L Parsons, Vicars, Curates, Lecturers, and others in Holy Orders, or pretending to Holy Orders; all Stipendiaries, and others who have been possess'd of

any

Penalties.

Not to come within five Miles of any City or Corporation, that sends Burgesses to Parliament; or of any Parish or Place, where, since the Act of Oblivion,

E

they

Nonconformist Teachers not to come within five Miles of a Corporation.

Offences.

any Ecclesiastical Promotion, not having declar'd their Assent and Consent to the Book of Common-Prayer, and subscrib'd the Declaration of 14 *Car. 2. cap. 4.* and taken and subscrib'd the Oath prescrib'd by this Act; and all such as preach in Conventicles,

*Dissenters
not to teach
School.*

Such Offenders, and all others who shall not take the said Oath, and frequent Divine Service, as establish'd by Law,

*Committed
for six
Months.*

Upon Oath made before two Justices of the Peace, of any Offence against this Act, unless the Offender shall swear and subscribe the aforesaid Oath and Declaration,

*Persons sub-
pœna'd may
appear.*

Persons compell'd to appear upon Subpœna, or other Process, not to be deem'd Offenders against this Act.

Penalties.

they have been Parson, &c. or preach'd, &c. before they have taken the Oath hereby prescribed at the Quarter-Sessions (unless in passing upon the Road) on pain of forfeiting 40 *l.* one third whereof to the King, another to the Poor, and the other to him that will sue for the same in any of the Courts at Westminster, &c.

Not to teach School, or take Boarders or Tablers that are taught by himself, or any other, in pain of 40 *l.* to be recovered and distributed as aforesaid.

To be committed for six Months by the said two Justices, without Bail or Mainprize.

The Oath prescribed by this Act.

I A. B. do swear, That it is not lawful, upon any Pretence whatsoever, to take up Arms against the King; and that I do abhor that traiterous Position of taking Arms by his Authority against his Person, or against those that are commission'd by him in pursuance of such Commissions; and that I will not at any time endeavour any Alteration of Government either in Church or State.

Oath that it is not lawful to take up Arms.

*22 Car. 2. Cap. 1.**Offences.*

EVery Person of 16 Years of Age, who shall be present at a Conventicle, under Pretence of Religious Worship, at which there shall be five or more, besides those of the House,

Every Person of-
fending a second time,

Penalties.

One Justice of Peace (or chief Officer of the Place) on Oath of two Witnesses, is requir'd to make a Record of the Offence under his Hand and Seal, which shall be adjudg'd a perfect Conviction of the Offenders. And such Justice shall impose for the first Offence on each Offender, a Fine of **five Shillings.**

To be fined **Ten Shillings**, to be levied by Distress and Sale of the Offender's Goods.

Frequenting Conventicles.

Second Offence.

*Offenders
unable;
others pre-
sent to pay
the Penal-
ties.*

Where the Offender is poor, and a Distress cannot be had, the Penalty shall be levy'd on any other Offenders that were present at the same Conventicle, so as the Sum levy'd on any one Person, by reason of the Poverty of others, do not exceed Ten Pounds, on Occasion of any one Meeting.

*Distribution
of the For-
feitures.*

Every Constable, &c. having receiv'd a Warrant from the Justice, or chief Magistrate, is requir'd to levy the Penalty, and deliver it to the Justice, &c. whereof one third shall be for the Use of the King, another for the Poor of the Parish where the Offence was, and the other third to the Informer, and such other Persons as the Justice, &c. shall appoint, having regard to their Diligence in the Discovery, &c.

Offences.

*Preaching
in a Con-
venticle.*

Whoever shall be convicted of Preaching at any Conventicle,

*Preacher
not paying
the Pe-
nalty.*

Where the Preacher is a Stranger, and cannot be found, or is unable to pay,

*Permitting
Conventi-
cles in
their Hou-
ses, &c.*

Every Person suffering a Conventicle to be held in his House, Barn or Yard,

Penalties.

To forfeit for the first Offence 20 l. for the second Offence 40 l.

The Penalty to be levy'd on the Goods and Chattels of such Persons as were present at the same Conventicle to be dispos'd as aforesaid.

To forfeit 20 l. to be levy'd as aforesaid, and if unable, to be levy'd on the Goods of such as were present.

*Appeals to
the Sessions.*

Provided no Person be liable to pay above Ten Pounds for one Meeting, in regard of the Poverty of others: And Persons aggriev'd, if the Penalty exceed Ten Shillings, may

may, within one Week after it is levy'd, appeal to the Quarter-Sessions, and take their Trial by a Jury.

Offences.

Where the Offender does not prosecute his Appeal with Effect, or is cast at the Sessions,

Any Justice of Peace, or chief Magistrate, being inform'd where such Conventicle is held,

Upon Certificate under the Hand and Seal of the Justice, &c. to the Lieutenants, Deputy Lieutenants, or Commission-Officers of the Militia, or of other the King's Forces; or to the Sheriffs, or other Ministers of Justice, That he is not able to dissolve such Assemblies,

If a Constable, &c. shall know, or be inform'd of a Conventicle in his Parish, &c. and not discover it to some

Penalties.

To pay treble Costs, *Treble Costs.* and the Judgment to be final.

May himself, or by *Who may break open the Doors.* Warrant, authorize the Constable, &c. with what Assistance he shall think fit, (if Entrance be deny'd) to break into any Place where a Conventicle is held, and take the Persons assembled into Custody.

They are requir'd *Officers of Militia, &c. to aid the Justices.* to repair to the Place where the Conventicle is held, and use the best Means to dissolve the same, and take the Offender's into Custody.

Constable, &c. not doing their Duty.

Offences.

some Justice, &c. but if he, or any call'd to his Aid, shall omit their Duty,

Penalties.

To forfeit 5 l. to be levy'd and dispos'd as aforesaid.

Justice not doing his Duty.

If the Justice, &c. omit his Duty,

To forfeit 100 l. one Moiety to the Informer.

Offenders fleeing.

Where the Offender shall be an Inhabitant of, or flee into another County or Corporation, after the Offence committed,

The Justice before whom he is convicted, to certifie it to a Justice of such other County, &c. who shall levy the Penalties incurr'd.

Married Women.

The Penalties of Feme Coverts, cohabiting with their Husbands, to be levy'd on their Husband's Goods. Prosecution to be within three Months after the Offence.

Nobility.

No Peer to be attach'd or imprison'd by Virtue of this Act.

25 Car. 2. Cap. 2.

Officers, &c. not taking the Oaths and Test.

Officers Civil and Military, Persons receiving Salary or Wages by any Grant from the Crown, having a Command or Place of Trust in this Kingdom, or in the Navy, or who are of the Household, who shall not take the Oaths of Allegiance and Su-
pre-

Offences.

premacy, and receive
the Sacrament,

Persons continuing
to exercise such Offi-
ces or Employments,
not having taken the
said Oaths, and the
Sacrament,

Persons not bred
up from their Infan-
cy in the Popish Re-
ligion, and professing
themselves Popish Re-
cusants, who shall suf-
fer their Children to
be educated in the
Popish Religion,

Persons not sub-
scribing the Declara-
tion enjoyn'd by this
Act, concerning Tran-
substantiation.

Persons forfeiting
who shall conform,

This Act shall not extend to Constables, or
other inferior Officers.

Penalties.

Disabled to enjoy
the said Offices or
Employments; or
the Profits thereof;
and every such Place
to be void.

Forfeit 500 l. and *Forfeitures
and Disa-*
disabled to sue in a
ny Court; to be
Guardian, Execu-
tor, or Administra-
tor, incapable of a
Legacy or Beed of
Gift; or to bear a
ny Office.

Disabled to bear *Children
popishly edu-*
any Office in Church
or State; their Chil-
dren so educated
likewise disabled,
till reconcil'd to the
Church of England,
and qualify'd as afore-
said.

Liable to all the *Transub-*
Penalties and Dis-
abilities aforesaid. *stantiation.*

Capable of a new *Conform-*
Grant, if the Office *ing.*
be not full.

*The Declaration enjoyn'd by this Act.**Declara-
tion concern-
ing Tran-
substantia-
tion.*

I A. B. do declare, That I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever.

30 Car. 2. Cap. 1.

*Offences.**Peers and
Members of
Parliament
not taking
the Oaths,
and ma-
king their
Declaration
herein.*

EVERY Peer of Eng-land and Ireland being 21 Years of Age, and every Member of the House of Commons who shall not take the Oaths of Allegiance and Supremacy, and make and subscribe the Declaration in this Act,

Penalties.

To be adjudg'd a Popish Recusant Convict, disabled to hold any Office in England, Ireland, &c. to sit in Parliament, or make Worp in the House of Peers; to sue in any Court; to be Guardian, Execu- tor, or Administra- tor; to take any Legacy or Deed of Gift; and to forfeit 500 l. for every Of- fence to him that will sue for the same.

*Recusants
coming in-
to the
King's Pre-
sence.*

Persons Convict of Recusancy, that shall remain in the King's or Queen's Presence, or come into any House where they reside,

Liable to all the Penalties and Dis- abilities in this Act.

The

Li-

Offences.

The King's and Queen's Sworn Servants, not taking the Oaths, and subscribing the Declaration aforesaid,

Penalties.

Liable to the same Penalties and Disabilities. The King's Sworn Servants.

Not to extend to nine of the Queen's Servants, being Natives of *Portuguese Portugal.*

The Declaration.

I *A. B.* do solemnly and sincerely in the Presence of God, profess, testify and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrament of the Mass, as they are now us'd in the Church of *Rome*, are Superstitious and Idolatrous: And I do solemnly in the Presence of God profess, testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words, read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever; and without any Dispensation already granted me for this Purpose by the Pope, or any Authority or Person whatsoever; or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolv'd of this Declaration,

Declaration concerning Transubstantiation and Worship of Saints.

or any Part thereof, altho' the Pope or any other Person or Persons, or Power whatsoever should dispense with or annull the same, or declare that it was null and void from the beginning.

I W. & M. Sess. I. Cap. 8.

Offences.

*Nonjurors
suspended.*

EVery Archbishop, Bishop, and other Ecclesiastical Persons, every Head, Fellow and Professor in the University, who shall not take the Oaths of Allegiance and Supremacy appointed by this Act, instead of those in the 1 *Eliz.* and the 3 *Jac.* 1. (which are hereby abrogated) before the first of *August*, 1699.

Depriv'd.

If they shall not take them within the said six Months,

*Nonjuring
Officers, &c.*

All Persons admitted into any Employment, Civil or Military, or shall come into any Capacity, by reason whereof they would have been oblig'd to take the said abrogated Oaths, or either of them, who
I shall

Penalties.

To be suspended for six Months, to commence at the said first of *August*, 1699.

They are hereby adjudged to be deprived.

Offences.
shall not take the
Oaths herein pre-
scribed,

Other Persons re-
fusing these Oaths,
when lawfully ten-
dered.

If at the end of
three Months such
Person shall again re-
fuse the said Oaths,

The Forfeitures to
the Poor of the Pa-
rish where the Of-
fender last resided.

If such Person shall
again refuse the said
Oaths,

Penalties.
Liable to the
same Forfeitures,
Penalties and Dis-
abilities, as they
would have been
for neglecting to
take the said abro-
gated Oaths, 1 Eliz.
3 Jac. The Oath
concerning the Un-
lawfulness of taking
up Arms in 14 Car. 2.
not to be required.

To be committed *Private
Persons first
Offence.*
to Prison for three
Months, unless the
Offender pay down
40 s. or such lesser
Sum, as the Persons
tendering them shall
set.

To be committed *Second Of-
fence.*
for six Months, un-
less he pay down such
a Sum as the Per-
sons tendering them
require, not exceed-
ing 10 l. and not un-
der 5 l. and the Of-
fender be bound with
two Sureties for his
good Behaviour, and
to appear at the next
Assizes.

*Third Of-
fence.*

He

Oaths, when tendered at the Assizes,

He shall be incapable of any Office, Civil or Military, and bound to his good Behaviour till he takes the Oaths.

Refusing Declaration 30 Car. 2. concerning Transubstantiation.

If such Person shall refuse to make and subscribe the Declaration concerning Transubstantiation and Invocation of Saints in the 30 Car. 2.

He shall be deemed a Popish Recusant Convict to all Intents and Purposes.

Recusant Convict.

Allowance to the Nonjuring Clergy.

The King may allow to the Nonjuring Clergymen (not exceeding 12) a Maintenance out of their Benefices, not exceeding a third Part of the Value.

Oaths enjoyn'd the 1 W. & M. Seff. 1. Cap. 8.

Oaths 1 W. & M. Seff. 1. Cap. 8.

I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to their Majesties King *William* and Queen *Mary*.

I A. B. do swear, That I do from my Heart abhor, detest, and abjure as Impious and Heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whomsoever.

And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Supe-

Superiority, Preheminence or Authority, Ecclesiastical or Spiritual, within this Realm.

1 W. & M. Sess. 1. Cap. 9.

Offences.

EVery Person being a Papist, or reputed Papist (and not a Merchant Foreigner) living within the Cities of London and Westminster, and 10 Miles of the same, who shall refuse to make and subscribe the Declaration concerning Transubstantiation in the

30 Car. 2.

Penalties.

To remove beyond those Limits, or they shall forfeit and suffer as Papish Recusants Convicted, upon the Justices making a Certificate thereof into the King's Bench the next Term, or at the next Quarter-Sessions; and every Justice of Peace within those Limits is required to tender the said Declaration in their respective Districts.

Papists within 10 Miles of London.

To remove.

Not to extend to Tradesmen, and such as have their only Abode within the Limits aforesaid, so as they certify their Names and Qualities to the next Quarter-Sessions.

Traders excepted.

1 W. & M. Sess. 1. Cap. 15.

EVery Papist, and Person suspected to be a Papist, or whom any Justice of Peace shall be inform'd as such refusing the said Declaration concerning Transubstan-

Papists, and suspected Papists, to keep no Arms.

Li:

Offences.

substantiation in 30
Car. 2. or refusing to
appear upon Notice
left at the Place of
his Abode, by War-
rant under the Hand
of two Justices,

*Refusing
the Decla-
ration
about Tran-
substanti-
ation.*

Such Papist, or re-
puted Papist, refu-
sing or making De-
fault as aforesaid,

*Two Justi-
ces may
order a
Search
for Arms.*

Any two Justices by Warrant under their
Hands and Seals, may authorize Persons in
the Day-time, with the Assistance of the
Constable, &c. to search for Arms in the
House or Custody of such reputed Papist,
and seize the same to his Majesty's Use, and
at the next Quarter-Sessions deliver them in
open Court for the Use aforesaid.

*Persons con-
cealing
them pe-
nal.*

Every such repu-
ted Papist, not disco-
vering and delivering
his Arms to some Ju-
stice of Peace, with-
in 10 Days after his
Refusal of the De-
claration, or hinder-
ing Persons autho-
rized to search,

*Persons dis-
covering
them re-
warded.*

Persons discover-
ing Arms concealed,
Per-

Penalties.

Liable to all the
Penalties, Forfeitures and Disabi-
lities, hereafter
mentioned; the Ju-
stices certifying his
Name and Place of
Abode to the next
Quarter Sessions.

To keep no Arms
in his House, but
such as shall be allow'd
him by the Justices in
their Quarter-Sessi-
ons.

To be committed
by two Justices for
three Months with-
out Bail, and to for-
feit his Arms, and
treble the Value to
the King.

To receive as a
Reward the Value of
them,

Offences.

Persons having refus'd, or made Default, and afterward complying in open Sessions,

Such Papist, or reputed Papist, refusing as aforesaid,

Persons concealing Horses, or aiding in concealing them,

Two Justices may, by Warrant as aforesaid, authorize Persons, with the Assistance of the Constable, &c. to search for Horses, and seize them to the King's Use.

I W. and M. Sess. 1. Cap. 18.

Dissenters taking the Oaths of Allegiance and Supremacy enjoyn'd by an Act of this present Parliament, and subscribing the Declaration of 30 Car. 2. in the Quarter-Sessions,

If a Dissenter be chosen to a Parish or Ward Office, and scruple serving,

Penalties.

them, to be levy'd by Distress and Sale of the Offender's Goods.

To be discharg'd of such Penalties as they might for the future be liable to.

To keep no Horse above 5 l. Value.

Papists to keep no Horse above 5 l. Price.

To be committed for three Months, and forfeit treble the Value of the Horses.

Penalty concealing them.

Exempted from the Penalties of all Laws made against Popish Recusants and Dissenters; provided they meet with the Doors open: Not exempted from Payment of Tithes, or other Parochial Duties.

Dissenters taking the Oaths exempt from the Penalties of certain Laws.

To provide a Deputy who will be conformable.

Chosen an Officer to procure a Deputy.

Ex-

Offences.

*Preachers
subscribing
the 39 Ar-
ticles, ex-
empted
from Pe-
nalties.*

Dissenting Teach-
er subscribing the said
Declaration, and ta-
king the Oaths afore-
said, and subscribing
the 39 Articles, ex-
cept the 34th, 35th,
36th, and part of the
20th and 27th,

*Dissenters
and Qua-
kers refus-
ing the
Oaths.
Quakers
Declara-
tion of Fi-
delity.*

A Dissenter being
requir'd by a Justice
of Peace to subscribe
the said Declaration,
and take the Oaths,
(or if he be a Qua-
ker to make the De-
claration of Fidelity
in this Act) who shall
refuse so to do,

*Second Re-
fusal ad-
judg'd a
Popish Re-
cusant
Convict.
Quakers
Profession of
Faith.*

If he refuse upon a
second Tender at the
Quarter-Sessions,

Quakers making
and subscribing the
said two Declarati-
ons and Profession of
Faith in this Act,

*Dissenter's
Certificates.*

Persons refusing to take the said Oaths
when tendered, shall not be admitted to
subscribe the said two Declarations, unless
within 30 Days after such Tender they pro-
duce two Protestant Witnesses to testify up-
on Oath they believe him to be a Protestant
Dissenter; or unless he get a Certificate to
that effect under the Hands of four Church-

Penalties.

Exempted from
the Penalties of all
Laws made against
them, from serving
on Juries, Parish
or Ward Offices, or
any other Office in
any Hundred, Shire,
City, Town, &c.

The Justice of
Peace to commit
such Dissenter refus-
ing, &c. to Prison,
and certify his Name
to the next Quarter-
Sessions.

He shall be record-
ed, and taken for
a Popish Recusant
Convict.

Exempted from
the Penalties of all
Laws against Po-
pish Recusants and
Protestant Non-Con-
formists.

men

men who have taken the Oaths; and also have a Certificate under the Hands and Seals of six of the Congregation to which he belongs, owning him to be one of them.

Offences.

Until such Certificate and Proof made,

Persons not going to some Assembly allow'd by this Act on Sundays,

Persons disturbing Dissenting Congregations, or abusing the Teacher, upon Proof by two Witnesses,

Papists, Popish Recusants, and such as deny the Doctrine of the Trinity,

Persons disturbing Dissenting Congregations, or abusing the Teacher, upon Proof by two Witnesses,

Such Person being convicted at the Sessions,

Unless the Place of Meeting be certified to the Ordinary, or to the Justices in their Quarter-Sessions, and recorded there, and a Certificate thereof obtained,

Penalties.

The Justice to bind him with two Sureties in 50 l. to produce the same; and for want of Sureties, to commit him to Prison until he produce them.

Still liable to all the Penalties for not frequenting Divine Service.

To receive no Benefit by this Act.

Upon Complaint to a Justice of Peace, to be committed, or bound with two Sureties in 50 l. to appear at the next Sessions.

To forfeit 20 l.

20 l. Penalty.

Such Assembly shall still be deem'd unlawful.

Meeting-houses so be certified to the Sessions.

*Quaker's Declaration of Fidelity, 1 W. & M.
Sess. 1. Cap. 18.*

*Quakers
Declaration
and Pro-
fession of
Faith.
1 W. &
M. Sess. 1.
Cap. 18.*

I A. B. do sincerely and solemnly declare before God and the World, That I will be true and faithful to King *William* and Queen *Mary*; and I do solemnly promise and declare, that I do from my Heart abhor, detest, and renounce as Impious and Heretical, that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Preheminence, or Authority Ecclesiastical or Spiritual within this Realm.

Quaker's Profession of Faith.

I A. B. profess Faith in God the Father, and in Jesus Christ, his Eternal Son, the true God, and in the Holy Spirit, one God blessed for evermore: And do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

1 W.

1 W. & M. Sess. 1. Cap. 26.

Offences.

Persons refusing to make the Declaration of the 30 Car. 2. concerning Transubstantiation and Invocation of Saints, when tendered by two or more Justices, or forbearing to appear before them when summon'd, as an Act of this Session for disarming Papists directs, and shall have their Default recorded at the Sessions according to the said Act,

Persons seiz'd or possess'd of an Advowson, Right of Presentation, &c. to any such Ecclesiastical Living, Free-School, or Hospital, in Trust for a Papist or Popish Recusant convicted or disabled, according to the said Act of 3 Jac. 1.

If

Penalties.

Such Persons shall be disabled to make any Presentation, Collation, Nomination, Donation, or Grant of the Avoidance of a Benefice, or Ecclesiastical Living, as if they were Popish Recusant Convict; and the Universities respectively shall have the Presentation, &c. to such Benefice in the Counties respectively allotted them, according to the 3 Jac. 1. Cap. 5. for preventing Dangers from Popish Recusants.

Such Trustee disabled to Present, Nominate, &c. to any such Living, &c. or to grant any Avoidance thereof, and the Universities respectively shall have such Presentation as they should have had, in Case such Recusant so convicted or disabled,

And their Trustees.

F 2

had

Offences.

Penalties.

*Trustee pre-
sents for-
feits 500 l.*

Query, If a Trustee, Mortgagee or Grantee of an Avoidance present to any such Living, &c. whereof the Trust shall be for a Recusant Convict, or disabled, without giving Notice in Writing to the Vice-Chancellor, &c. to whom such a Presentation should belong, within three Months after the Avoidance,

*Qualifica-
tion of the
Presentee.*

If the Universities present any one that hath a Cure of Souls before,

*His Ab-
sence how
Penal.*

If a Clergyman so presented by the University to a Benefice with Cure, be absent above 60 Days in any one Year,

*Recusant
restor'd to
his Right.*

Such Recusant as shall at the Quarter-Sessions, where his Name is recorded, make the said Declaration, and take the Oaths, shall be discharged of these Disabilities, and be again enabled to present.

had been seiz'd or possess'd thereof himself.

He shall forfeit 500 l. to the respective Chancellor and Scholars of either University, to be recover'd by Action, Bill, Plaint, &c.

Such Presentment to be void.

Such Benefice shall be void.

I W. & M. Sess. 2. Cap. 2.

Offences.

A L L, and every Person and Persons reconcil'd to, or holding Communion with the Church of Rome, or that shall marry a Papist,

Penalties.

Are excluded, and made incapable of inheriting or possessing the Crown, or to exercise any Regal Power or Authority within these Realms.

A Papist, or who marries a Papist, is capable of the Crown.

In any of the said Cases, the People by this Act are absolved from their Allegiance; and the Crown is to descend to such Persons, being Protestants, as should have enjoy'd the same, in case the Person so holding Communion, or marrying as aforesaid, were naturally dead.

People absolv'd from their Allegiance.

7 & 8. W. 3. Cap. 27.

E Very Person who shall refuse the Oaths of Allegiance and Supremacy prescribed by the I W. & M. when lawfully tendered, or shall neglect to appear when lawfully summoned for that Purpose,

Shall be liable to, and incur all the Penalties, Forfeitures, and Disabilities which by the Laws now in Force may be inflicted on a Popish Recusant Convict.

Refusing the Oaths, or to appear when summoned.

Deem'd Popish Recusant Convict.

The Refusal, or Default of Appearance, to be certified to the next Assizes or Sessions, and from thence to be certified into the Exchequer, that the Court may issue out Process against the Lands and Goods of the Offender, as against a Popish Recusant Convict.

Certificate.

*Offences:**Denying the
King's Title
& Præmu-
nire.*

Whoever shall maliciously declare, by writing, printing, teaching, or advised speaking, that King *William* is not lawful and rightful King of these Realms, or that any other Person hath Right to the same, otherwise than by an A& of the *1 W.* and *M.* declaring the Rights of the Subject, &c.

Penalties.

Every such Person to incur a **Præmunire.**

7 & 8 W. 3. Cap. 34.

*Quakers
Affirma-
tion.*

EVERY Quaker, when lawfully requir'd to take an Oath, Shall, instead of the usual Form, be permitted to do it in this manner :

I *A. B.* do declare in the Presence of Almighty God, the Witness of the Truth of what I say.

Falsifying.

A Quaker affirming any thing falsely,

To incur the same Penalties as are to be indicted on Persons guilty of wilful Perjury.

*Refusing to
pay Tithes.*

A Quaker refusing to pay or compound for great and small Tithes, or to pay Church Rates,

Two Justices may convene him before them, and having heard the Case, under their Hands and Seals, order the Payment thereof, not exceeding-

Offences.

If the Quaker thinks himself aggrieved,

A Quaker, or reputed Quaker,

WHoever after the 25th of March, 1700. shall apprehend a Popish Bishop, Priest, or Jesuit, and convict him of saying Mass, or exercising his Function within this Realm,

The Sheriff making Default in Payment,

Every Popish Bishop, Priest, or Jesuit, who shall say Mass, or exercise his Function; Every Papist keeping School, edu-

Penalties:

ceeding 10 l. and on Refusal, may by Warrant under their Hands and Seals levy it by Distress and Sale of his Goods.

He may appeal to the Quarter-Sessions, whose Determination shall be final. *Appeal to the Sessions.*

Not qualified to give Evidence by this Act, in any Criminal Cause; or to serve on a Jury, to bear Office, or be in any Place of Profit in the Government. *Quaker under Disabilities still.*

II & 12 W. 3. Cap. 4.

To receive of the Sheriff of the County for every such Conviction 100 l. to be paid within four Months, upon tendering the Judges Certificate of the Conviction. *Apprehending a Popish Priest. The Reward.*

To forfeit 200 l.

Sheriff to pay it.

Saying Mass, &c.

Popish School.

To

Offences.

educating or boarding Youth for that Purpose,

Papists disabled to Inherit, &c.

Persons educated in, or professing the Popish Religion, who shall not within six Months after they attain the Age of 18, take the Oaths of Allegiance and Supremacy, and make the Declaration in the 30 Car. 2.

Or to purchase.

Every Papist, after the 10th of April, 1700.

Convicting one of sending a Child to a Seminary. The Reward.

Papists refusing to maintain their Protestant Children.

Whoever shall convict a Person of sending his Child, &c. beyond Sea to be educated in Popery,

Popish Parents of Protestant Children refusing them a fitting Maintenance, in order to compel them to change their Religion,

Penalties.

To suffer perpetual Imprisonment.

Disabled (but not their Heirs or Posterity) to inherit or take any Lands, Tenements, or Hereditaments within this Kingdom. And during such Persons Lives, until they take the said Oaths, the next of Kin being a Protestant to enjoy his Lands, &c. without being accountable for the Profits, but shall not commit waste.

Disabled to purchase Lands in this Kingdom, or any Profits out of the same.

To receive as a Reward the whole Penalty of 100 L. inflicted by the 3d Jac. 1.

The Lord Chancellor to order as he shall think proper.

13 W. 3. Cap. 6.

The Abjuration Oath first imposed.

1 *Anna*, Cap. 22.**T**HE same Oath enforced, which see at large 1 *Georgii*, Cap.4 *Anna*, Cap. 8,*Offences.*

Whoever shall maliciously, advisedly and directly, by writing, or printing, maintain and affirm, that *Queen Anne* is not lawful or rightful *Queen* of these Realms; or that the Pretender, or any other Person, hath any Right to the Crown, otherwise than according to the Acts of Settlement; or that the Kings or Queens of *England*, by Authority of Parliament, cannot make Laws to limit the Succession of the Crown,

Whoever shall maliciously and directly, by preaching, or advised,

Penalties.

Guilty of High Treason.

Persons maintaining that the Queen has no Right, by printing, &c.

Or that the Pretender hath any.
1 W. & M. Cap. 2. 36.
Or that the Queen and Parliament cannot limit the Succession.

Whoever by Words maintain it.

In

Offences.

vised speaking, maintain and affirm the same,

Penalties.

Incur a **Præmu-**

*When to
be prose-
cuted.*

Proviso, That no Person be prosecuted for Words spoken, unless Information be given upon Oath before a Justice of Peace within three Days after the Words spoken, and Prosecution be within three Months after such Information; and that no Person be convicted for such Words, but by the Oaths of two credible Witnesses.

*Two Wit-
nesses.
Succession.*

Provision made on the Demise of the Queen, to secure the Succession to the House of *Hanover*, and for excluding Officers from the House of Commons when the Succession should take place.

*Members of
the House
of Com-
mons.*

5 Anne, Cap. 8.

*At the
Union, the
Acts for
establishing
the Church
of England
enforc'd.*

BY an Act for the Union of the two Kingdoms of *England* and *Scotland*, it was stipulated, That an Act made in the 13th *Eliz.* entituled, *An Act for the Ministers of the Church to be of sound Religion*; and another Act of the 13 *Car. 2.* For the Uniformity of publick Prayers and Administration of Sacraments, and other Rites and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests and Deacons in the Church of England; and all other Acts in force for the Establishment and Preservation of the Church of England, shall remain in full force for ever. And that every succeeding King or Queen, at his or her Coronation, shall take and subscribe an Oath to maintain and preserve inviolably the

*The King
to swear
to preserve
it at his
Coronation.*

the said Settlement of the Church of *England*, and the Doctrine, Worship, Discipline, and Government thereof, as by Law establish'd; and that this be adjudged a fundamental and essential Part of the said Treaty of Union.

6 Annæ, Cap. 7.

THE Union of the two Kingdoms being effected, it was thought necessary to enforce the Act of *4 Annæ, cap. 8.* for maintaining the Queen's Title, and securing the Succession, &c. and extend the Provisions thereof through the whole united Kingdom, *4 Annæ extended to Scotland.*

8 Anna, Cap. 14.

THE time for taking the Abjuration Oath in *Scotland* was enlarged, and the Oath of Allegiance in this Act enjoined to be taken and subscribed, and the Assurance to be subscribed at the same time, with the Abjuration for the future, by all Officers Civil and Military in that Part of the Kingdom, *Oath of Allegiance to be taken, and Assurance subscribed in Scotland, with the Abjuration.*

The Courts at *Westminster* empowered to administer the said Oaths and Assurance, as well as the Courts in *Scotland*, to such Officers, *Courts at Westminster may administer them to the Scots.*

Oath of Allegiance.

I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to her Majesty Queen *Anne*, *Oath of Allegiance.*

So help me God.

ASSU-

ASSURANCE.

Assurance.

I A. B. do in the Sincerity of my Heart assert, acknowledge and declare, That her Majesty Queen *Anne* is the only lawful, undoubted Sovereign of this Realm, as well *de jure*, that is of Right, Queen, as *de facto*; that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, That I will with Heart and Hand, Life and Goods, maintain and defend her Majesty's Title and Government against the pretended Prince of *Wales* and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet her Majesty in the Possession and Exercise thereof. See the *Abjuration Oath* 1 *Georg.*

10 *Anna*, Cap. 2.*Offences.*

*Officers or
Magistrates
present at
Conventi-
cles.*

*Forfeitures
and Disa-
bilities.*

ALL Officers, Civil and Military, Persons receiving Salary, Fee, or Wages, from the Crown, or being of the Household, all Officers in Corporations, Common Council-men, &c. within the Kingdom of *England*, who, by the 13 *Car. Cap.* and the 25th *Car. 2. Cap.* or either of them, are oblig'd to

re-

Offences.

receive the Sacrament according to the Church of England, who shall willingly be present at a Conventicle, where there shall be 10 Persons, besides the Family,

Every Offender after Conviction conforming again one whole Year, and receiving the Sacrament threetimes within that Year, and who shall not have been at a Conventicle within that time,

Offices of Inheritance that are supply'd by a lawful Deputy,

Provided no Person suffer for any Offence against this Act, unless Oath be made thereof before a Magistrate within 10 Days after the Offence, and the Offenders prosecuted within three Months; nor shall any Person be convicted but by the Oaths of two credible Witnesses.

The Toleration granted by the 1 W. & M. ratified and confirmed.

Dissenting Teacher qualified to preach in one County,

If

Penalties.

~~Forfeit~~ 40 l. to be recover'd by him that will sue for it in any Courts at *Westminster*; and disabled to hold their Offices and Employments, or to receive any Profit or Advantage by reason of the same.

Capable of his Office again, provided he make Affidavit of his Conformity aforesaid, the next Term or Sessions after his being admitted into Office.

Not intended by this Act.

Time of Prosecution.

Two Witnesses.

Toleration ratified.

May preach in any Part of the Kingdom, provided the Place be licens'd.

Such

Offenders conforming may be restor'd.

Offices of Inheritance.

Time of Prosecution.

Two Witnesses.

Toleration ratified.

Dissenting Teacher.

*Offences.**Penalties.**Lay Dissenter taking the Oaths.**Exempted from Penalties.*

If any Lay Dissenter, who has not qualify'd himself according to the said Act of Toleration, by taking the Oaths, &c. shall be prosecuted hereafter upon any of the Penal Statutes against Dissenters; if during such Prosecution he take the Oaths, and qualify himself,

Practicers of the Law in Scotland not taking the Abjuration Oath disabled.

Advocates, Writers to the Signet, Notaries publick, and other Members of the College of Justice in Scotland, who shall not take the Abjuration Oath of 6 *Annæ*, Cap. 7.

Episcopal Meetings in Scotland allow'd.

ENacted, That it shall be lawful for those of the Episcopal Communion in *Scotland*, to assemble for the Exercise of Divine Worship, to be perform'd after their own manner, and to use the Liturgy of the Church of *England* (if they think fit) without Disturbance.

Preachers to be duly ordained.

Persons not having receiv'd their Orders from a Protestant Bishop,

Such Person shall thenceforth be exempted and discharged from all the Penalties incurr'd by force of any of the said Penal Statutes.

Adjudg'd incapable, and disabled in Law to have, enjoy, or exercise in any manner his Employment or Practice.

Disabled to exercise the Function of a Pastor in the said Episcopal Congregations.

The

To

The Pastor, before he takes upon him to officiate,

Ministers in Scotland, not taking the Oath of Allegiance and Abjuration,

Episcopal Meetings to be held with Doors open, and Tithes and Parish Duties to be paid as heretofore.

Whereas by an Act made in Scotland in 1695, Episcopal Ministers were prohibited to baptize or solemnize Matrimony, in pain of perpetual Imprisonment or Banishment,

Parents having their Children Christened by Episcopal Ministers,

Episcopal Minister not publishing the Banns three times, according to the Laws in Scotland, before he marry any Persons,

The

To exhibit his Orders to the Justices in their Quarter-Sessions; to be there recorded.

Orders to be registred at the Sessions.

Disabled to preach either in Churches or Episcopal Meetings, and liable to such other Penalties as Officers Civil and Military in Scotland are by 6 Anna, Cap. 14.

Nonjurors disabled to preach.

The said Act repeal'd, and no Person to incur any Penalty for resorting to Episcopal Meetings; nor their Pastors for preaching, administering the Sacraments, or marrying.

Preacher may marry or administer Sacraments.

To enter the Birth and Christning in the Register-Book of the Parish where they live.

Christnings to be Registred.

Liable to the same Pains and Punishments, as are inflicted by the Laws there, in case of clandestine Marriages.

Clandestine Marriages prohibited.

Still

*Offences.**Laws a-
gainst Pro-
phaneness
to be in
force.*

The Laws made a-
gainst Prophaneness
and Immorality, and
for frequenting Di-
vine Service on Sun-
days,

*Papists and
Socinians
not exempt-
ed.
Disturbing
Episcopal
Meetings.*

Papists, Popish Re-
cusants and Socinians,

Whoever shall di-
sturb such Episcopal
Meetings, or misuse
their Pastor; upon
Proof thereof by two
Witnesses before two
Justices of the Peace,

Forfeiture.

Upon being con-
victed at the Sessions,
&c.

*Magistrate
hindering
them.*

A Magistrate for-
bidding or hindering
such Meetings; upon
Proof thereof by two
Witnesses before the
Court of Justiciary,

*Excommu-
nications.*

Persons excommu-
nicated by the Church
of Scotland,

*Praying
for the
Royal Fa-
mily en-
join'd.
j*

All Ministers and
Preachers, as well E-
piscopal as those of
Scotland, who shall not
pray in express Words
for the Queen, the
Princess Sophia, and
all the Royal Family,

Penalties.

Still in force against
such as offend against
the said Laws, and
those who shall not
resort to some Church
or Meeting.

To receive no Be-
nefit by this Act.

To be bound with
two Sureties in 50 l.
to appear at the next
Quarter-Sessions or
Court of Justiciary,
or be committed un-
til the Sessions, &c.

To forfeit 100 l. to
be divided between
the Poor and the In-
former.

To forfeit 100 l. to
be distributed as afore-
said.

Not to incur any
Civil Pain, Forfeiture,
or Disability.

To forfeit for the
first Offence 20 l. for
the second (if a Mi-
nister of the Church
of Scotland) to be de-
priv'd, and made in-
capable of other Pre-
ferment for three
Years; an Episcopal
Mi-

Offences.**Penalties.**

Minister for the second Offence shall loose the Benefit of this Act, and be incapable of officiating for three Years.

The Forfeiture to be recovered, and distributed as other Penalties are directed to be by this Act; Conviction to be by two Witnesses, and the Offender to be prosecuted within two Months after the Offence.

Forfeitures distributed.

How to be convicted.

12. Anne, Cap. 7.

EVery Person who shall after the first of *August*, 1714. keep a School or Seminary, or teach Youth as Tutor or School-master, before he have subscribed this Declaration, *viz.* *I do declare that I will conform to the Liturgy of the Church of England, as it is now by Law establish'd,* and shall have obtain'd a Licence from his Ordinary,

Every Person, who shall not produce a Certificate to the Ordinary, &c. of his having received the Sacrament within one Year, under the Hand

To be committed to the common Gaol of the County, &c. for three Months without Bail, to commence from the time he shall be receiv'd into Goal. Conviction to be in any of the Courts at *Westminster*; at the *Affizes*; or before *Justices of Oyer and Terminer*, upon Information, Presentment, or Indictment.

Nonconformist School-masters.

Certificate of receiving the Sacrament to be produc'd, and the Oaths to be taken.

Offences.

of the Minister, and one of the Church-wardens, where, &c. and who shall not before the Ordinary, &c. take and subscribe the Oaths of Allegiance and Supremacy and Abjuration, and make and subscribe the Declaration against Transubstantiation in the
25 Car. 2.

And the Declaration against Transubstantiation. School-masters resorting to Conventicles.

Every Person having obtain'd a Licence, and qualify'd himself as aforesaid, who shall willingly resort to a Conventicle or Jacobite Meeting.

Not teaching the Church-Catechism.

If any Person so Licenced shall teach any other than the Church-Catechism,

None to be twice punish'd for one Offence.

Ecclesiastical Jurisdiction not restrain'd by this Act, provided only that no Person be punish'd twice for the same Offence, or prosecuted in several Courts at the same time.

The Universities and Nobility.

This Act, so far as it relates to a Licence, not to extend to any Tutor in the Universities; or such as are employ'd by the Nobility to teach their Children and Grand-Children only.

Penalties.

Incapable of a Licence to teach School.

Liable to the Penalties in this Act and shall from thenceforth be incapable of keeping any School or Seminary, or instructing any Youth as Tutor or School-master.

The Licence of such Person to be void, and he shall be liable to the Penalties in this Act.

The

The Penalties not to be extended to such ^{Reformed} of the Reformed Churches in *England* as are ^{Churches.} allow'd by the Queen, who teach only the Children of such Foreigners.

Offences.

A Person having been convicted, and made incapable of teaching, who shall conform, and not be present at a Conventicle by the space of a Year, and receive the Sacrament three times within such Year,

Penalties.

Capable of a Licence to teach School ^{Persons conforming re-} again, qualifying himself as aforesaid, provided he make Oath in the Courts at *Westminster*, or at the Quarter-Sessions the next Term, or Sessions, after he shall be admitted to teach, of such Conformity.

This Act not to extend to such Persons as ^{The Teaching of Writing, Reading, and the Mathematicks, not intended to be restrained.} shall instruct Youth in Reading, Writing, Arithmetick, or other Mathematical Learning, and so far as it relates to any Mechanical Art only, and it be taught in the *English* Tongue.

This Act shall be extended to *Ireland*, in as full and effectual manner, as if *Ireland* had been expressly named in every Clause. ^{Extended to Ireland.}

12 *Anne*, Cap. 14.

WHereas by an Act of the 3 *Jac.* 1. Cap. ^{Presentation to Benefices vested in the Universities by 3 Jac. 1. Cap.} and one other Act 1 *W. & M.* Cap. The Presentation to Benefices, &c. belonging to Popish Recusants, and other Persons thereby disabled to present, is given to the Universities; but such Patrons being seldom duly convicted, those Provisions are rendered ineffectual, therefore for the speedier and easier vesting such Presentations in the Universities, Enacted that,

*Offences.**Papists and
their Tru-
stees disa-
bled.*

Every Papist, and Child of such Papist, (not being a Protestant) under the Age of 21, and every Mortgagee, Trustee, or Persons any ways intrusted directly or indirectly, mediately or immediately, for any such Papist or Child, whether the Trust be declared by writing or not,

*Ordinary
to tender
the Decla-
ration a-
gainst
Transub-
stantiation
to Patrons
suspected of
Popery.*

When a Presentation shall be brought to the Ordinary by a Person reputed to be, or whom the Ordinary shall suspect to be a Papist, or Trustee of any Person suspected to be a Papist,

*Patron re-
fusing, loses
the Presen-
tation.*

In Case such Person shall refuse to repeat and subscribe the Declaration, or neglect to appear,

Penalties.

Disabled to present or nominate to any Benefice, Prebend, Living, School, Hospital or Donative, or to grant any Avoidance of a Benefice, Prebend, or Living; and that the Universities respectively shall have the Presentation, &c. to such Benefice, &c. in the respective Counties limited to them by the said Act of the 3 Jac. 1. Cap.

The Ordinary is requir'd to tender such Person the Declaration against Transubstantiation in the 25 Car. 2. and if such Person be absent, the Ordinary shall summon him to appear before him, or some others authoriz'd by Commission from him.

The Presentation to be void, and the Ordinary shall give a Certificate thereof to the Vice-Chancellor of the University, to whom the Presentation would have belong'd, if such Patron

Offences.

When a Presentation is brought to the Ordinary,

Every Person presented, who shall refuse to be so examin'd, or shall not answer directly,

For the Discovery of secret Trusts created by Papists to defeat this Act,

Defendant neglecting to answer such Bill,

Per-

Penalties.

tron had been a Popish Recusant Convict, who is empowered to present a Person qualified according to the said Act.

He is required to examine the Person presented upon Oath, whether the Person presenting be the real Patron, or made the Presentation in his own Right, or if he be not directly or indirectly Trustee for some other, &c.

His Presentation to be void.

The respective Universities, their Presidents and Clerks, may exhibit their Bill in any Court of Equity against the Person presenting, or such Person as they believe to be *Cestui que Trust*; or any other Person that may be able to make a Discovery.

The Bill to be taken *pro Confesso*, and allowed.

G 3

low'd

Clerk to be examin'd upon Oath.

Refusing to be examin'd.

How Trusts may be discovered.

Bill of Discovery.

Offences.

Penalties.

Answer.

Persons answering fully, and not knowing any thing of such Trust,

low'd as Evidence against him.

To be entituled to their full Costs.

Patron to be examin'd upon Oath.

It shall be lawful for the Court, where a *Quare Impedit* is depending at the Instance of the respective Universities, by Motion in open Court, to examine the Patron and his Clerk, contesting the Right of such University, upon Oath, in order to discover any secret Trust or Practice relating to the Presentation in Question.

Trustee or Clerk refusing to discover the true Patron.

If it appear upon Examination, that the Patron is but a Trustee, and if the Patron, or his Clerk, refuse to discover the Person for whom the Patron is Trustee,

To be punish'd as Persons guilty of a Contempt to the said Court.

True Patron to subscribe the Declaration against Transubstantiation, or deem'd a Popish Recusant Convict.

If the Patron, or his Clerk, do discover the Person for whom, &c.

The Court on Motion to make an Order for tendering the said Declaration against Transubstantiation to such Person.

Such Person refusing to make the said Declaration,

Esteem'd a Popish Recusant Convict, as to such Presentation.

The Answer and Examinations of such Patron, &c. being reduced into Writing, to be allow'd as Evidence, provided that no such Bill, Answer, or Examination, be made use of to subject any Person to any Penalty, or Forfeiture, other than the Loss of the Presentation then in Question. In

In Case of such Bill exhibited in any Court of Equity, no Lapse to incurr till after three Months, from the time that the Answer to such Bill shall be put in, or the same taken *pro Confesso*; or the Prosecution deserted, provided such Bill be exhibited before any Lapse incurr'd.

It shall be lawful for the Court, where a Discovery shall be made, to enforce the Producing of the Deeds relating to the said Trusts.

This Act not to extend to Scotland, save only that the Lords of Justiciary in Scotland are empower'd to inflict the same Punishments upon Jesuits, Priests, and other Trafficking Papists, which the Privy Council there were empower'd to do by an Act pass'd in the eighth Session of the first Parliament of King William.

Anno Primo Georgii R. Cap. 5.

Offences.

IF any Persons, to the Number of 12, or more, being unlawfully, riotously and tumultuously assembled to the Disturbance of the Publick Peace, after the last of July, 1715. and required by a Justice of Peace, Mayor, or Head-Officer, &c. by Proclamation in the under-written Form, to disperse themselves, shall continue together

Penalties.

Rioters remaining together one Hour after Proclamation to disperse.

Offences.

ther one Hour after
such Proclamation
made,

Penalties.

Such continuing to-
gether to the Number
of 12, or more, after
Proclamation made as
aforesaid, shall be ad-
judged Felony with-
out Benefit of Cler-
gy.

*Felony.**Proclama-
tion to be
read.*

The Justice of Peace, or other Person, au-
thorized by this Act to make the said Pro-
clamation, shall, among the said Rioters, or
as near them as he can safely come, command
Silence, while the Proclamation is making,
and afterwards cause Proclamation to be
made in these Words, or like Effect :

*Form of the
Proclama-
tion.*

Our Sovereign Lord the King chargeth
and commandeth all Persons being as-
sembled, immediately to disperse them-
selves, and peaceably depart to their
Habitations, or to their lawful Business,
upon the Pains contained in the Act
made in the first Year of King George, for
preventing Tumults and Riotous Assem-
blies.

*Justice of
Peace to re-
sort to the
Place.*

Every Justice of Peace, &c. in his respec-
tive Jurisdiction, is hereby required, on No-
tice of any such riotous Assembly, to resort
to the Place, and cause Proclamation to be
made in manner aforesaid.

*And appre-
hend Of-
fenders.*

If such Persons ri-
otously assembled to
the Number of 12, or
more, shall, after Pro-
clamation made as
aforesaid, continue
together by the space
of an Hour,

Every Justice of
Peace, &c. the Con-
stables, and other
Peace-Officers, where,
and all others, com-
manded to aid and
assist, are authori-
zed to apprehend
such

If

Offences.

If any of the Rioters shall happen to be killed or maimed, by reason of their resisting the Persons so authorized to disperse and apprehend them,

If any Persons riotously assembled, shall demolish or pull down, or begin to demolish or pull down any Church or Chapel, or any Building for Religious Worship, certified and registered according to 1 *W. & M. cap.* or any Dwelling-house, Stable, or Out-house,

Persons who shall with Force and Arms knowingly oppose, hinder, or hurt any Person making, or about to make Proclamation as aforesaid,

Persons riotously assembled to the Number of 12, to whom
Pro-

Penalties.

such Rioters, and have them before some Justice, in order to their being proceeded against according to Law.

The Justice of *Persons killing* Peace, &c. and all *ing Rioters* others so aiding and *are indemnify'd.* assisting in the apprehending and dispersing them, shall be *indemnified.*

Such Offenders shall *Pulling* be adjudged guilty *down Meeting-houses,* of *&c. Felony.* felony, without *Benefit of Clergy.*

Such Offenders shall *Hindring* be adjudged guilty *the making* of *Proclamation,* felony, without *Felony.* Benefit of Clergy.

Felony in the Rioters, tho' no Proclamations made.

Ad-

Offences.

Proclamation ought to have been made, if not hindered as aforesaid; who shall not disperse themselves within one Hour after such Hindrance, (having knowledge thereof)

Penalties.

Adjudged Felons without Benefit of Clergy.

Churches, &c. pulled down in the Country, the Hundred to repair the Damage.

If a Church, Meeting-house, or any other of the Buildings aforesaid, shall be pulled down, or demolished wholly, or in Part by Persons so riotously assembled (such Church, &c. being out of a City, or Town, that is either a County of it self, or is not within any Hundred)

The Inhabitants of the Hundred, in which such Damage shall be done, shall be liable to yield Damages to the Parties Injured and damnified, to be recovered in any of the Courts at *Westminster*, against any two or more of the Inhabitants of such Hundred.

Rector, &c. to be Plaintiff, in Trust for his Church.

Such Action for Damages to any Church or Chapel, to be brought in the Name of the Rector, Vicar, or Curate thereof in Trust, for applying the Damages in Re-building or Repairing such Church or Chapel; and the Damages so recovered, shall be levy'd on the Inhabitants of such Hundred, and paid to the Plaintiffs in such manner as is provided by the 27th *Eliz. cap. 13.* in Case of Robberies.

Churches, &c. in Towns pulled down.

If such Church, or other Building so damnified, be within a City or Town, that is either a County of it self, or is not within any Hundred, such Damages shall be recovered by Action, to be brought as aforesaid against two or more Inhabitants of such

City

The Town to repair the Damage.

City or Town; and the Damages recovered, shall, at the Request of the Plaintiffs made to the Justices of Peace of such City, &c. at their Quarter-Sessions, be levy'd upon the Inhabitants by such Ways and Means as are provided by the said Statute of the 27th *Eliz.* ^{27th Eliz. 13.} *cap. 13.* for reimbursing Persons on whom Money recovered against any Hundred by the Parties robb'd, shall be levy'd.

This Act to be read at the Quarter-Sessions, and at every Leet or Law-Day; Prosecution to be within 12 Months after the Offence.

Sheriffs, their Deputies, and other inferior Judges and Magistrates; and also Constables, and other Peace-Officers in *Scotland*, shall have the same Powers for putting this Act in Execution there, as Justices of Peace, &c. have in *England*.

Offences.

Every Person convicted of any of the Offences aforesaid in *Scotland*,

Penalties.

Shall incur and suffer Death, and the Confiscation of Moveables.

Prosecution for repairing the Damages of any Church, &c. shall be by Summar Action, at the Instance of the Party grieved against the County, Stewarty, City, or Borough respectively, where such Disorders shall happen; the Magistrates shall be summoned in the ordinary Form, and the several Counties and Stewarties called by edictal Citation at the Market-Cross of the Head Borough of such County or Stewarty respectively, and that in general, without mentioning their Names and Designations.

This Act to extend to all Places tolerated for Religious Worship in *Scotland*, where King George,

27th Eliz. 13.

Act to be read at the Sessions.

Prosecution when.

This Act to extend to Scotland.

Equally Penal there.

Method of Prosecution in Scotland.

Episcopal Meetings there.

George, the Prince and Princess, and their Issue, are pray'd for in express Words.

Primo Georgii, Cap. 8.

Offences.

Lawful to keep suspected Persons in Prison six Months.

ALL Persons who shall be in Prison on the 23d of July, 1715. or after, by Warrant from six of the Privy Council, or one of the principal Secretaries of State, for Suspicion of Treason, or treasonable Practices,

The same in Scotland.

The Act made in Scotland for preventing wrong Imprisonment, and undue Delays in Tryals, as to all Cases of Treason and Misprision of Treason.

Privilege of Parliament saved.

Provided, That nothing in this Act extend to invalidate the Rights and Privileges of Parliament, or to the Imprisonment of any Member of either House during the Sitting of Parliament, until the Matter be first communicated to the House, and their Consent obtained.

Horses of suspected Persons may be seized.

The respective Lieutenants, or two or more Deputy-Lieutenants of any County of Great Britain; or two or more such Magi-

Penalties.

To be detained in Custody until the 24th of January, 1715. and no Judge, or Justice, to Bail or Try such Persons until that time, without Orders from six of the Privy Council.

To be suspended until the 24th of January, 1715.

Offences.

Magistrates authorized by
his Majesty,

Penalties.

Enabled by War-
rant under their Hands
and Seals, to employ
such Persons as they
shall think fit (where-
of a Commission-Of-
ficer of the Militia,
and the Constable or
other Officer of the
Parish where, to be
two) to search for
and seize all Horses
of the Value of 5 l.
or upwards belong-
ing to such Persons
whom such Lieute-
nant, &c. shall judge
to be dangerous to
the Peace of the
Kingdom.

Such Horses may be detained for any time, *And de-
not exceeding six Weeks, unless required by tained six
Direction under the Hands of six of the Privy Weeks.*
Council to be kept longer.

Such Horses being
put into the Possessi-
on of any Person to
keep,

If the Owner shall
refuse to pay for the
keeping,

The Owner to *Owner to
pay 5 s. per Week pay five
for keeping each Shillings
Horse. per Week
for keeping*

Such Horses may *Or his
be detained and sold, Horse to be
rendering the Over- sold.*
plus to the Owner ;
or the Keeper may
have his Action.

Search shall be made in the Country be- *Search in
tween Sun-rise and Sun-set. the Country
to be in the
Day.*

In

*In Towns it
may be in
the Night.
Force may
be used.*

In Cities and Market-Towns, and within the Bills of Mortality, search may be made in the Night, if the Warrant so direct; and in all Cases of Resistance, the Persons searching may enter by force.

*Such Horses
may be used
against the
Enemy.*

Horses seized (during the time they may be detained by Virtue of this Act) may, in case of Invasion or Insurrection, be employ'd against the Enemy.

*Mares and
Colts except-
ed.*

A Mare in Fole, or having a Colt at her Feet, and Colts under three Years old, are not intended by this Act to be seized.

*Fraudulent
Sales in
Trust for
Papists
void.*

All Sales made of Horses, seiz'd by Virtue of this Act, **on purpose to prevent their being detain'd**, to any Servant or other Person in Trust for a Papist, or reputed Papist, shall be void.

*Continued
for six
Months lon-
ger by
2d George.*

The Provisions in this Act continued for six Months after the Expiration hereof, by one other Act made in the second Year of King George.

Anno Primo Georgii Rex, Cap.

TO the Intent, all the Acts heretofore made for Securing the Succession of the Crown in the Protestant Line, and extinguishing the Hopes of the Pretender, might be for ever inviolably preserved, it was Enacted as follows:

*Persons in
Office or
Place.*

THAT all Persons, as well Peers as Commoners, who shall bear Office Civil or Military, or receive any Pay, Salary, Fee, or Wages, by reason of any Patent or Grant from his Majesty, or shall have Command or Place of Trust, from, or under his Majesty, or his Predecessors, or by Authority deriv'd from him, her, or them, within the Kingdom of Great Britain, in the Navy, or in the Islands of Jersey and Guernsey, or shall be of the Household, or in the Service

or Employment of his Majesty, the Prince or Princess of *Wales*, or their Issue; and all Ecclesiastical Persons, Heads, or Governours, and all other Members of Colleges and Halls in either University, being of the Foundation, or who enjoy any Exhibition (being of the Age of 18.) And all Persons teaching or reading to Pupils in the Universities, or elsewhere; all School-masters, Ushers, Preachers and Teachers of separate Congregations; every Constable, Serjeant at Law, Counsellor, Advocate, Attorney, Solicitor, Writer in *Scotland*, Proctor, Clerk or Notary, who shall be within 30 Miles of *London* or *Westminster* the first Day of *Michaelmas* Term, 1715. shall appear before the End of the said Term in the Courts of Chancery, King's Bench, Common Pleas or Exchequer, and take the several Oaths enjoind them by this Act.

Ecclesiastical Persons.

Members of the University.

Tutors and School-masters.

Dissenting Teachers, Constables, and Practisers of the Law, to

take the Abjuration Oath, &c. in Michaelmas Term, 1715.

Every such Person and Officer not having taken the said Oaths as aforesaid, shall take the same before the 23d of *January* next at the Quarter-Sessions of the County, where he resides, on the first of *December*.

Persons not taking it then, to do it before the 23d of Jan. next.

Every Person, who, after the 10th of *August*, 1715. shall be admitted to, or enter upon any of the said Offices or Employments, or come into any such Capacity as aforesaid within that Part of *Great Britain* called *England*, shall take and subscribe the said Oaths, either in the Courts at *Westminster*, or at the General Quarter-Sessions of the County, where resident, within three Months after such Admission, &c.

Persons admitted to any Office or Employment.

To take it within three Months.

Every Person (whether Peer or Commoner) who, by any Acts since the Union, was oblig'd to take and subscribe the Oaths of Allegiance and Abjuration, and subscribe the Assurance,

Assurance,

*Officers, &c.
in Scotland
to take the
Oaths of Al-
legiance and
Abjuration,
and sub-
scribe the
Assurance.
Before the
first of Dec.
1715.*

*Persons re-
fusing in
Scotland,
incapable of
a Vote.*

*Members of
the Univer-
sities in
Scotland,
to take them
before they
enter upon
their Trials,
&c.*

*Persons be-
yond Sea.*

*Persons neg-
lecting to
take the
Oaths, in-
capacitated.*

Assurance, on Account of any Office, or other Occasion in that Part of Great Britain called Scotland, shall, before the first of December, 1715. take and subscribe the Oaths of Allegiance and Abjuration herein, and subscribe the Assurance in the Words set down in this Act, in such manner, and at such times, and shall be so certified as the said Acts direct.

Offences.

Whoever shall refuse to take the Oath of Abjuration, or being a Quaker, to declare the Effect thereof on his solemn Affirmation in Scotland,

Penalties.

Incapable of giving a Vote for the Election of a President, making up the Rolls, or for a Member of Parliament for any Place in Scotland, or Commissioner to choose a Burges.

All Heads, Masters and Members of Colleges, Halls, or Classes in the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh; all Probationers and Licenciates of Divinity, before they enter upon their Trials, or obtain Licences to preach, and all School-masters in Scotland, shall take the Oaths of Allegiance and Abjuration herein, and subscribe the Assurance.

Provided nothing in this Act extend to any Person beyond Sea, who, within three Months after his Return, shall take the said Oaths, &c.

Every of the Persons aforesaid, who shall neglect or refuse to take the said Oaths, &c. at the times and Places aforesaid,

Adjudg'd incapable, and disabled to have, occupy, or enjoy the said Offices and Employments, &c. or any Profit or Advantage appertaining to them, and such

Eve-

Of-

Offences.

Every such Person neglecting, or refusing to take the said Oaths at the Times and Places aforesaid, who shall by himself, his Deputy, or Trustee, execute any of the said Offices or Employments after the time expired, wherein he ought to have taken them, being thereof lawfully convicted,

Penalties.

Office or Employment to be void.

Disabled from thenceforth to sue, or use any Action, Bill, Plaint, or Information, in any Court of Equity; or to be Guardian, Executor, or Administrator; or capable of a Legacy or Deed of Gift; or to be in any Office within this Realm of Great Britain, or to Vote at any Election for Members to serve in Parliament, and forfeit Officer neglecting to take the said Oaths. Disabled to sue; to be Guardian, Executor, or Administrator, &c. And forfeits 500 l. 500 l. to him that will sue for it.

The Courts aforesaid are required to administer the said Oaths to such Persons as come to take them, of whom the proper Officer may receive two Shillings; and a Register shall be kept of all Persons taking them, to be inspected without Fee. Two Shillings to be paid at the taking them.

Two, or more Justices, or other Persons specially appointed, by Order of the Privy Council, or Commission under the Great Seal, may tender the said Oaths to any Persons they shall suspect to be disaffected; and if they refuse them, may certify the same to the next General Quarter-Sessions, to be recorded there, and shall from thence be cer-

H

tified

fied by the Clerk of Peace into the Courts of Chancery, &c.

Offences.

Suspected Person refusing them, deem'd a Popish Recusant Con- vikt.
Every such suspected Person neglect- ing or refusing to take the said Oaths so ten- der'd,

Penalties.

From the time of such Neglect or Re- fusal, shall be ta- ken, esteemed, and adjudg'd a Popish Recusant Convict, and as such shall forfeit, and be pro- ceeded against.

Two Justices may summon any Person to take the Oaths.
And to the Intent, no Person may avoid taking the Oaths appointed by this Act, it shall be lawful for two, or more Justices of the Peace, or such other Persons specially ap- pointed as aforesaid, by Writing under their Hands and Seals, to summon any Person to appear before them at a certain Day and Time therein to be appointed, to take the said Oaths, which Summons shall be serv'd upon such Per- son, or left at his Dwelling-house, or usual Place of Abode with one of the Family there ; and if the Person so summoned shall neglect or refuse to appear, that then, on due Proof thereof to be made upon Oath of the serving such Summons, the Justices, or other Persons specially appointed as aforesaid, are required to certify the same to the next General Quar- ter-Sessions, there to be entered upon the Rolls of the said Sessions.

Persons summoned not taking the Oaths at the Ses- sions, ad- judg'd Po- pish Recu- sants Con- vikt.
If the Person so summoned to take the Oaths as aforesaid, shall neglect or refuse to appear and take the Oaths at the said General Quarter-Ses- sions,

Such

Offences.

sions, his Name being publicly read at the first Meeting of the said Sessions,

Penalties.

Such Person shall be taken, esteemed and adjudg'd a Popish Recusant Contumacious, and as such shall forfeit, and be proceeded against as if he had actually refused to take the said Oaths.

The same shall be from thence certified by the Clerk of the Peace into the Chancery or King's Bench; Court of Session, or Court of Justiciary in Scotland, there to be Recorded in a Roll kept for that Purpose.

If any Head or Member of a College in either University of the Foundation, being 18 Years old, shall refuse the said Oaths, or to produce a Certificate thereof, and cause it to be Register'd in the College within one Month after taking them; and if the Persons who shall have the Right of Election, do not elect some other in his Place within twelve Months after such Refusal, the King may nominate a Person qualified according to the local Statutes of the College to succeed.

If such Head, &c. refuse to admit him by the space of 10 Days, the local Visitor shall admit him within one Month after it is demanded; and if the Visitor refuse, the King's Bench may issue out a Writ of *Mandamus*, directed to such Visitor, to admit him, and proceed upon the said Writ, according to the Course of the Court in such Cases.

*Offences.**Penalties.**Persons re-
stored.*

Whoever by Neg-
lect or Refusal forfeits
his Office,

Capable of a new
Grant, on taking the
Oaths, if the Office
be not fill'd up.

*Persons at
Sea.*

Persons on board
the Fleet, or beyond
Sea,

Incur no Forfeiture,
if they take the Oaths
within three Months
after their Return.

*Peers and
Members of
the House
of Commons
to take
them.*

Every Peer, before he Votes, makes his
Proxy, or sits during a Debate in the House
of Peers, and every Member of the House of
Commons before he Votes there, shall take
the Oaths aforesaid.

*Forfeitures
on their
Neglect.*

Every Peer, or Com-
moner, who shall
after *Michaelmas*, 1715.
presume to Vote, &c.
not having taken the
said Oaths,

Disabled to prose-
cute any Suit, or to
be Guardian, Execu-
tor or Administrator,
and shall forfeit 500 l.

*Offices of
Inheritance
saved.*

Offices of Inheritance saved, so as a lawful
Deputy be made, and qualified as herein is
required, and approved under the King's
Privy Signet.

*Offices of
Inheritance
in Scotland.
Parish Of-
ficers, &c.
exempted.*

Offices of Inheritance in *Scotland* not to be
forfeited, but by the Laws in force there.

Tithing-men, Headboroughs, Overseers,
Church-wardens, Surveyors, Keepers of Fo-
rests and Parks, Bailiffs of Manors, and other
inferior Officers, not oblig'd to take these
Oaths.

*And Per-
sons who
have taken
them al-
ready.*

Nor those who have taken the Oaths since
his Majesty's Accession.

*The Test
Act still in
force.
Persons in-
demnified.*

Persons heretofore oblig'd to receive the
Sacrament, and subscribe the Test, still ob-
lig'd to do so.

Persons, who before the first of *December*,
1715. shall take and subscribe the Oaths, and
receive

receive the Sacrament, &c. shall be indemnify'd from all Penalties incurr'd by any former Neglect.

All Persons, who, since his Majesty's Accession, have taken the Oaths, &c. according to any Acts concerning Persons in Office, are indemnified, altho' it was not done within the time appointed by Law; but no Person, who, by such Neglect, hath forfeited his Office, shall be restored where it is fill'd up.

Offences.

Whoever shall become Popish Recusants Convict by Virtue of this Act, and shall hereafter take the Oaths,

Penalties.

Shall be fromthenceforth discharged of such Conviction.

Persons taking the Oaths, discharged of the Penalties.

The Oath of Abjuration and the Assurance in this Act, to be in the Place of the Abjuration and Assurance formerly appointed.

To be instead of former Oaths.

If any Person or Persons, Natives or Foreigners, shall seize or secure alive or dead the Person of the Pretender, whenever he shall land or attempt to land in *Great Britain* or *Ireland*, or any other his Majesty's Dominions,

The Lord High Treasurer, and Commissioners of the Treasury, are required forthwith, out of any of the Publick Monies, to issue the Sum of 100,000 *l.* to be paid as a Reward to such Person or Persons.

*Persons taking the Pretender alive or dead, entitled to 100,000 *l.**

If any Person who hath adhered to, or assisted, or who shall adhere to or assist the said Pretender, shall seize and secure him as aforesaid,

He or they who shall so seize and secure him, shall have his Majesty's General Pardon, and receive the said Reward of 100,000 *l.*

*His Adherents securing him, to have their Pardon, and 100,000 *l.**

Who-

H

His

Offences.

*Persons kill-
in the At-
tempt, their
Executors to
have their
Share.*

Whoever shall be
kill'd in securing the
Pretender,

Penalties.

His Executor and
Administrator shall
have the same Share
as he would have been
entitled to.

*Oaths to
be taken by
Seamen and
Soldiers.*

The King may give a Commission to any
Person to administer the Oaths to Officers,
Seamen, and private Soldiers, either by Land
or Sea, who are to take the same under the
Penalties in this Act.

*Private
Soldiers to
pay no Fees.*

Soldiers and Seamen, under the Degree of
Commission or Warrant Officers, to pay no-
thing at the taking the said Oaths.

*Office of
Great
Chamber-
lain.*

This Act not to extend to the Office of
Lord Great Chamberlain of *England*, so as he
make a Deputy duly qualified.

*Abjuration
extended to
Ireland.*

This Oath of Abjuration shall be taken in
Ireland, and the Indemnities herein extended
thither.

The Oaths prescribed to be taken by this
Act, are the Oaths of Allegiance and Supre-
macy, and the Abjuration Oath, for that Part
of *Great Britain* called *England*; and in *Scot-
land*, only the Oaths of Allegiance and Ab-
juration, with the Assurance, which is to be
subscribed by them in the Room of the Oath
of Supremacy. See the Oath of Allegiance and
Supremacy before, in the 1 W. & M. Cap. 8.

Abjuration Oath.

I A. B. do truly and sincerely acknowledge,
I profess, testify and declare in my Con-
science, before God and the World, That our
Sovereign Lord King George is Lawful and
Rightful King of this Realm, and of all other
his Majesty's Dominions and Countries there-
unto

unto belonging ; and I do solemnly and sincerely declare, That I do believe in my Conscience the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third; or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great-Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do renounce, refuse and abjure any Allegiance or Obedience to him; and I do swear that I will bear Faith and true Allegiance to his Majesty King *George*, and him will defend to the utmost of my Power against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown or Dignity, and I will do my best Endeavour to disclose and make known to his Majesty, and his Successors, all Treasons and Traiterous Conspiracies which I shall know to be against him, or any of them; and I do faithfully promise to the utmost of my Power, to support, maintain and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever, which Succession, by an Act entituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is, and stands limited to the Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge and swear according to these exprefs Words by me spoken, and according to the plain and common Sense

and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and promise heartily, willingly and truly, upon the Faith of a Christian,

So help, &c.

Affurance for Scotland.

I A. B. do, in the Sincerity of my Heart, assent, acknowledge and declare, That his Majesty King George is the only lawful, undoubted Sovereign of this Realm, as well *de jure*, that is, of Right King, as *de facto*, that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, That I will with Heart and Hand, Life and Goods, maintain and defend his Majesty's Title and Government against the pretended Prince of Wales and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet his Majesty in the Possession and Exercise thereof.

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T H E
T A B L E.

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Introuduktion, Page 3. Line 8. for *Legative* read *Legatine*; *Introduktion*, p. 11. l. 5. for *Provissons* r. *Provisors*, p. 11. l. 6. for *Treason* r. *Death*, *ibid.* l. 25. for *proceeded* r. *proceeding*, and l. 26. for *seized* r. *seizing*, p. 19. the last Line, for *do* r. *doth*; p. 25. in the Margin, for *prosecuted* r. *presented*, p. 27. for *under* r. *upwards of* 18. p. 29. for *the Houses* r. *their Houses*; p. 45. for *Cap. 14.* r. *4.* p. 56. in the Margin for *their* r. *the*; p. 64. in the last Paragraph, for *Persons* r. *a Person*, and for *they produce* r. *he produce*, p. 68. the first Line, omit *Quere*; p. 74. for 13. r. 14. *Car. 2.* p. 76. instead of the Blanks in the last Paragraph, r. *Cap. 1.* *Cap. 2.* p. 78. for *his Emplayment* r. *their Emplayments*; p. 80. for *those of Scotland* r. *those of the Church of Scotland*; p. 83. instead of the Blanks r. *Cap. 5.* *Cap. 26.* p. 84. instead of the Blank r. *Cap. 5.* p. 85. for *impow* r. *impowered*; p. 89. instead of the Blank r. *Cap. 18.* p. 92. for *Wrong* r. *Wrongs*; p. 94. for *Georgij Rex* r. *Georgij Regis*.

1 Geo. Cap.

An Act for appointing Commissioners to enquire of the Estates of certain Traytors, and of Popish Recusants; and of Estates given to Superstitious Uses, in order to raise Money out of them severally for the Use of the Publick.

Offences.

ALL Persons, who, since the 24th of June, 1715. have been Attainted, or before the 24th of June, 1718. shall be Attainted for Levying War within this Realm: Or for Conspiring the Death of his Majesty, or any other High-Treason committed before the first of June, 1716.

Penalties.

Forfeit all their Lands, &c. of Persons Castles, Honours, attainted since the Manors, Messuages, Lands, Tenements, Rents, Reversions, Services, Remainders, Possessions, Royalties, Franchises, Jurisdications and Privileges, with the Appurtenances; and all Leases for Lives or Years, Pensions, Annuities, Rent-Charges and Hereditaments whatsoever, of which they were seized, possess'd or interest'd in on the 24th of June, 1715, or afterwards, in their own Right, or to their own Use; or whereof forfeited.

Such A

any

*Offences.**Penalties.*

any other Persons were seiz'd, possess'd, or interest'd in to the Use of or in Trust for them on the said 24th of June, 1715. or afterwards.

Such Castles, Honours, Lands, &c. shall be vested and adjudged to be in the actual and real Possession of his Majesty, without any Office or Inquisition found.

Debts, Securities for Money, Goods and Chattels, forfeited,

Persons so attainted within the Days and Times aforesaid,

Forfeit all Judgments, Statutes, Recognizances, Extents, Mortgages and Securities for Money, Rights of Redemption of Mortgages, and other Securities, Debts of Record, and other Debts, Specialties, Obligations, Goods and Chattels whatsoever, which they or any of them, or any others in Trust for them, should possess'd of or interest'd in.

And vested in his Majesty.

Such Judgments, Mortgages, and other Securities for Money, are hereby vested and put into the actual Possession of his Majesty, without any further Office or Inquisition thereof hereafter to be taken or found.

All

All which Castles, Honours, Lands, &c. as well as Debts, Goods, Chartels, &c. are declared to be vested in his Majesty for the Use of the Publick, according to such Acts as shall hereafter be pass'd in that Behalf (except as to such Debts and Personal Goods and Chartels touching which other Provision is made by this Act.)

Offences.

Where any of the Persons attainted within the times aforesaid, were seiz'd of an Estate Tail in Possession of any such Castles, Lands, &c.

Every Grant, Demise, Lease, Confirmation, Restitution, Assurance and Disposition, made or to be made, by his Majesty of the same Estates under any of his Seals,

Provided nothing in this Act extend to take away, alter or diminish any Right or Advantage whatsoever, which any Superiors, Landlords, Tenants or Creditors, continuing peaceable, and in dutiful Allegiance to his Majesty, are or were intitled to by Virtue of an Act, *Primo Geo. intituled, An Act for encouraging all Superiors, Vassals, &c. in Scotland, who shall continue in their Duty and Loyalty to his Majesty; or to repeal or alter any of the Provisions in that Act contained.*

Penalties.

The same are declared to be vested in his Majesty, his Heirs and Successors in Fee-simple, to the end, the same may be absolutely sold according to such Acts as shall be made.

Declared to be null and void to all Intents and Purposes; to the end, the Publick may have the Benefit thereof.

For the Use of the Publick.

Estate Tail vested in him in Fee.

Grants made by the King of such Estates void.

Rights of Superiors and Vassals in Scotland saved.

*Commis-
sioners
Names.*

The Names of the Commissioners appointed by this Act for enquiring into the said Estates, and putting this Act in Execution, are *Richard Grantbam, Esq; George Treby, Esq; Arthur Ingram, Esq; George Gregory, Esq; Sir Richard Steel, Knt. Sir Henry Hoghton, Bart. Patrick Holdane, Esq; Sir Thomas Hales, Bart. Robert Munro, Esq; Henry Cunningham, Esq; Dennis Bond, Esq; John Birch, Serjeant at Law, and Sir John Eyles, Bart.*

*Commis-
sioners to
take the
Oaths.*

No Person to act as a Commissioner, till he hath taken the Oaths appointed by the Act, 1 Geo. for further Security of his Majesty's Person, &c. and also one other Oath hereby appointed for the due Execution of the Powers given them by this Act.

*To be ad-
ministred
by any two
of their
Number.*

Which Oaths are to be administred by two or more of the Commissioners, and Memorials thereof entred in the Books kept for Registering the Proceedings of the Commissioners.

*Commis-
sioners to
meet in the
Exchequer
Chamber
3d of July,
1716. to
make Rules.*

The Commissioners are required to meet in the Exchequer Chamber on or before the 3d of July, 1716. and afterwards as there shall be Occasion; and the major part there present to agree upon Rules and Instructions (consonant to this Act) for the Guidance of themselves and their Officers.

*And sub-
divide.*

They shall there subdivide and distribute themselves, so as six or more may be specially appointed to reside in *Scotland*, and seven or more to reside in *England*.

*May ap-
point Com-
missioners to
travel, in
order to
make Dis-
coveries.*

Such respective Subdivisions may appoint one or more of their Number to travel into any Part of his Majesty's Dominions, where the forfeited Estates lie, for the better Discovery of them. The Commissioners nor restrained hereby from acting where-ever they shall happen to be present.

In Case of any Dispute, Difficulty or Omis- *King to de-*
 sion, in such Subdivision, Distribution or Ap- *termine*
 pointment, of the said Commissioners, the King *Disputes.*
 under his Sign Mannal to give such Orders as he
 shall think fit.

The Commissioners for *England* and *Scotland* *Commis-*
 respectively, or any four of them, to appoint *sioners to ap-*
 and employ during their Pleasure, Registers, *point Re-*
 Clerks, Surveyors, Messengers, &c. who are to *gisters, and*
 take no other Fees than shall be appointed by *other Offi-*
 the Commissioners. *cers.*

Such Registers, &c. to take the said Oaths in *Who are to*
 the Act of 1 Geo. for Security of his Majesty's *take the*
 Person, &c. and also an Oath for their faithful *Oaths.*
 Demeanor, which any two of the Commissioners
 may administer.

Offences.

Commissioners, Re-
 gisters, and other Offi-
 cers acting before they
 shall have taken the
 Oaths by this Act pre-
 scribed them respective-
 ly,

Penalties.

Forsfeit each 200 l. *Commis-*
to be recovered in *sioners and*
the Courts of West- *Officers act-*
minster, or Court of *ing before*
Exchequer in Scot- *they have*
land; but not liable *taken the*
to any other Penal- *Oaths, for;*
ties in any other *feit 200 l.*
Act for not qualify-
ing themselves.

The Commissioners may meet and act with or *May meet*
 without Adjournment. *without*

They may send for such Persons, Books, Pa- *Adjourn-*
 pers and Records as they shall think fit. *ment.*

And detain such Books, &c. as long as they *Send for*
 have Occasion for them. *Persons and*

May administer Oaths for Discovery to any *Papers.*
 Persons whatsoever. *And detain*

Sheriffs, Stewards, Bailiffs, Constables, and *them.*
 other Officers required to execute such Orders *Administer*
 and *Oaths.*

and Precepts as shall be sent them by the Commissioners on any four of them.

To proceed without Formalities, and examine Persons interested upon Oath, &c.

The Commissioners to proceed in a summary-way, without the Formalities used in the Courts of Law or Equity; to inform themselves by the Testimony of Witnesses upon Oath, and Examination of Persons interested upon their Oaths, and by Inspection of Deeds, Writings and Records, or otherwise, according to their Discretions.

Register to be kept.

The Commissioners to keep a Register of the Names of all Persons convicted or attainted; what Estate or Interest every such Person had in the Premises, and by what Tenures the same were respectively holden, and of all Incumbrances to which the said Estates are liable.

Offences.

Commissioners to commit Persons not obeying their Summons. And fine Officers.

Persons summon'd by the Commissioners refusing to appear, or to be examin'd,

Officers neglecting to obey their Precepts,

Penalties.

Commissioners may commit them to the common Gaol, till they submit to be examin'd.

The Commissioners may impose a Fine not exceeding 40 l. and commit them till it be paid.

Persons indebted to Traytors discovering conceal'd Debts, allow'd one Third.

Persons indebted or liable to pay Money to such forfeiting Persons, who, after the 24th of August, 1716. and before the 24th of Novemb. 1716. shall make a Discovery of any conceal'd Debt, and pay two Thirds thereof into the Exchequer

Offences.
chequer before the said
24th of November,

Penalties.
Released and dis-
charged of the en-
tire Debt or Sum
of Money so due
and payable.

(Debts by Judgment, Statute, Recognizance, Debts on Record, not hereby intended.
or any Registered Bond or Contract not intend-
ed to be discharg'd by this Act.)

Such Persons neg-
lecting to make a Dis-
covery of their Debts
until the 24th of No-
vember, 1716.

Forfeit double the
Value of the Mo-
ney they stand in-
debted, to be reco-
ver'd for the Use of
the Publick. Persons neglecting to discover, forfeit double the Debt.

Persons possess'd of
any Goods or Chat-
tels belonging to such
forfeiting Persons, dis-
covering them to the
Commissioners before
the said 24th of No-
vember,

To receive from Persons pos-
the Commissioners sess'd of the
such a Proportion Effects of
of the Goods as Traytors,
they shall think fit discovering
not exceeding a them to be
fourth Part. rewarded

Whoever shall neg-
lect to discover such
Effects as are in his
Hands till the 24th of
November, 1716.

Forfeits double Neglecting,
the Value to the forfeit dou-
Use of the Pub- ble the Va-
lick. lue.

Commissioners may compound for such Debts, Commis-
or Personal Goods and Chattels, and may state sioners may
and settle Accounts not adjusted. compound
Debts, and
state Ac-
counts.

A Stranger who shall
after the said 24th of
November, 1716. and
before the 24th of
June, 1717. discover
to the Commissioners
such

Stranger
discovering
Debts, &c.
to be re-
warded.

Offences.

such Debts, Goods or
Chartels, conceal'd,

Penalties.

To receive as
a Reward such a
Proportion as the
Commissioners shall
think fit, not exceed-
ing a fourth Part.

*Discovery of
Lands fe-
forfeited,*

Whoever after the
24th of August, 1716.
and before the 24th of
June, 1717. shall dis-
cover to the Commis-
sioners, or any four
of them, any Lands,
Tenements, Rents, He-
reditaments, or Chat-
tels, forfeited as afore-
said;

To receive as a
Reward such a Pro-
portion of the said
Lands as shall be
allotted by the said
Commissioners, not
exceeding a fourth
Part.

*Commis-
sioners to
give Certi-
ficates to
Discoverers.*

The Commissioners shall deliver Certificates
to such Discoverers under their Hands and
Seals, specifying the Lands, &c. discovered; and
the Share which such Persons ought to have in
respect thereof.

*Persons ha-
ving any
Charge on
such Estates.*

Persons having any
Estate, Title or In-
terest, out of the said
forfeited or forfeitable
Estates, before the time
they are hereby vest-
ed in his Majesty,
(other than forfeiting
Persons, and such as
claim under them, or
for their Use, or in
Trust for them, or a
Remainder expectant
upon an Estate Tail,
where-

*To claim
before the
24th of
June, 1717.*

Offences.

whereof a Person forfeiting was seiz'd,)

Penalties.

To enter their respective Claims before the said Commissioners before the 24th of June, 1717. or their Right, Title and Interest, in the same shall be null and void; and the Estates so liable shall from thenceforth be discharged.

Claims of Infants to be made by their Fathers or Guardians, or any other Persons in their Behalf; Claims of Feme Coverts by their Husbands; of Ideots, Lunatics and Mad-men, by those under whose Care they are.

Claims of Infants, Feme Coverts and Mad-men, &c.

Claims to be tendered to the said Commissioners written on Parchment, and sign'd by the Party claiming, and attested by two Witnesses; and every Claimant to express what Estate or Interest he hath in the Premises, and by what Title he claims.

How to be made.

Such Claims to be transcribed by Order of the Commissioners, and entered in Books to be kept for that Purpose.

To be entered in Books.

Conveyances made by any Person since the first of August, 1714. who hath been, or shall be convicted or attainted, to his own Use, or the Use of his Wife and Children; or in Trust for any of them, (except such as were made before Marriage) and all voluntary Assurances whatsoever made since the said first of August, 1714. to be deem'd fraudulent, and no Claim to be allowed for the same.

Conveyances made since the first of Aug. 1714. for the Use of the Party convicted, his Wife or Children deemed fraudulent.

Commissioners to secure the Effects. Make Inventories.

Appraise and sell them.

To be sold by Auction.

Buyers to pay their Money into the Exchequer.

And then receive the Goods.

Buyer not paying, forfeits a third Part.

Persons possess'd of forfeited Estates, not giving Notice of them, Forfeit two Years Rent thereof.

Commissioners shall secure the Effects of such forfeiting Persons for preventing any Loss or Embezzlement thereof, and shall make Inventories, specifying such Effects, by whom forfeited, and when and by whom deliver'd to the Commissioners, or their Agents; and shall cause the same to be appraised and sold, giving three Days Notice at least of such Sale.

They shall be sold by Auction to those that bid most, and an Entry thereof made in the Commissioner's Books; the Commissioners shall give Certificates to the Buyers, expressing the Particulars, Prizes, and Time of Sale; the Buyer shall pay thereupon the Price into the Exchequer at the Times agreed on; after which the Commissioners shall order the Goods to be deliver'd them.

Offences.

Buyer making Default in paying for the Goods,

Penalties.

Forfeits one Third of the Sum contracted for, and the Commissioners shall proceed to a new Sale.

Forfeit two Years Value of the Rents and Profits thereof upon any wilful Neglect or Default.

Whoever is or shall be possess'd of any forfeited Estate before the 24th of November, 1716. who shall not before that Day send a true Particular in Writing to the Commissioners of the Quantity and Quality of the Lands, and under what Rents and Covenants they are held,

Such

Such Persons possess'd as aforesaid, shall pay *To account for the Profits from the 24th of June, 1715.* into the Exchequer the Rents of the said Estates, or account for the Profits during their Occupation of the same, from the 24th of June, 1715. until Sale be made thereof.

Prosecution on this Act for the Benefit of the Publick to be in the King's Name.

Offences.

Whoever hath entered upon the said forfeited Estates since the 24th of June, 1715. and held the same without any lawful Title,

Such Persons neglecting to pay the Value of the Profits into the Exchequer at such Times as the Commissioners shall appoint,

Whoever shall discover Lands so by him enjoyed before the 24th of November, 1716. (concealed till the time of such Discovery)

Every Occupier and other Person committing Waste on the said Estates since the 24th of June, 1715.

Penalties.

To be responsible for the Profits during their Occupation. *Persons entering on forfeited Estates, responsible.*

Forfeit double the Value of the Profits received to the Use of the Publick. *Liable to forfeit double the Profits.*

Discharged from any Account of the Profits thereof received before the 24th of November, 1716. *Persons discovering, not accountable for Profits received.*

To pay treble Damages for the same, to be ascertained by the Commissioners. *Persons committing Waste, to pay treble Damages.*

The Commissioners certifying the Damages into the Exchequer, Execution shall issue as in Case of a Debt due to his Majesty.

*Commis-
sioners ac-
countable to
the King
and both
Houses.*

The Commissioners being thereto required, are to give an Account in Writing, as well to the King as to either House of Parliament, of their Proceedings, in respect to such forfeited and forfeitable Estates.

*The said
Commis-
sioners to
enquire of
the Estates
of Persons
convicted as
Popish Re-
cusants in
England
and Wales.*

Further Enacted, That the said Commissioners, or any four of them, shall, in a summary way, without the Forms of Law, enquire the Names of all Persons who do or shall stand convicted as **Popish Recusants** in *England, Wales or Berwick*; and of all Lands, Tenements Hereditaments, Leases and Farms which such Recusants respectively, or any Persons in Trust

*The Value
of two
Thirds.
To enquire of
such Per-
sons as for-
feit their
Estates for
not regi-
string.*

for them, shall stand seiz'd or possess'd of. Where situate; the Names of the Tenants and Occupiers; the Rents reserved, and the utmost improv'd Values thereof; the Estate and Interest of such Recusants therein; how much the two Thirds liable to seizure amount to; and particularly that they enquire, what Popish Recusants, Papists, Persons educated in Popery, or whose Parents are Papists, shall not take the Oaths and subscribe the Declaration enjoyn'd by another Act of this Sessions; or who in Default thereof shall not register their Names and Estates in the Manner and Form prescribed by such Act; and what Lands, &c. shall by such Act be forfeited for Default of taking the said Oaths, or for not registering as aforesaid; and of the Parts or Proportions of such Forfeitures accruing to the King for the Use of the Publick.

*Commis-
sioners may
send for
Persons
and Pa-
pers.*

The Commissioners are impowered to send for Persons, Papers and Records; to administer Oaths, and do all other Things for Discovery of the Lands of such Recusants; and of such Lands as shall be forfeited for Default in Registering, as they may by Virtue of this Act, for disco-

discovering of Estates forfeited for High Treason.

*Clerks of
the Council,
&c. to obey
their Orders.*

The Clerks of the Privy-Council, the proper Officers of the Exchequer, and all other Officers whom it may concern, to obey all such Orders and Precepts, in relation to such Recusants and their Estates, as shall be sent them by the said Commissioners, or any four of them.

Offences.

Officers, and other Persons, refusing to appear before the Commissioners on Summons, or to be examin'd, or to obey their Precepts in Relation to the Premises,

Penalties.

May be fined, not exceeding 40 l. for every Offence, and committed to the common Gaol, till the Fine be paid in, to the Exchequer.

*Or liable
to be fined.*

The Commissioners to keep a Register of all Proceedings relating to such Recusants and their Estates, and to give an Account, when requir'd, to the King, or either House of Parliament.

*Commis-
sioners to
keep a Re-
gister, and
give an
Account of
their Pro-
ceedings.
Estates gi-
ven for the
Support of
any Reli-
gious House
or Seminary,
forfeited.*

Further Enacted, That all Manors, Lands, Tenements, Rents, Tithes, Pensions, Portions, Annuities, and other Hereditaments; and all Mortgages, Securities, Sums of Money, Goods, Chattels and Estates whatsoever in Great Britain, which have been given, granted, devised or settled upon Trust; or to the Intent, that the Pro-
fits

Offences.

fits or Proceed thereof may be enjoy'd by any Abbey, or other Religious House or Seminary in *Great Britain*, or elsewhere; or for any other Popish or Superstitious Use,

Penalties.

Be deem'd and adjudg'd to be forfeited unto, and are hereby vested and put into the actual Possession of his Majesty for the Use of the Publick, without any further Office, or Inquisition thereof, hereafter to be taken or found.

Commissioners to proceed in like manner, as for Discovery of the Estates of Traytors.

The Commissioners to proceed in a summary way for the Discovery of such Estates and Interests, and to make Precepts, impose Fines, and commit such as refuse to be examined in like manner as they are before empowered to do for Discovery of the Estates of Traytors and Popish Recusants.

Trustees discovering such Estates intituled to a fourth Part.

Every Trustee, who shall after the 24th of Aug. 1716. and before the 24th of Novemb. 1716. discover to the Commissioners, or any four or more of them, any real or personal Estate settled to any such Popish or Superstitious Use,

Intituled to one fourth Part of such personal Estate, consisting of Money, Debts, or personal Goods or Chattels; and to one fourth Part of the real Estate so discovered.

Commissioners to issue their Warrants for Payment of a fourth Part of the Personal Estates.

Commissioners to issue their Warrants from time to time for Payment of the fourth Part of such personal Estate to such Trustees, and to give the said Trustees Certificates in Writing of the Discovery of such real Estates; to the end, Provision may be made in Parliament for securing to them, their

their Heirs, Executors and Assigns, the said fourth Part.

Offences.

Trustees making such Discovery,

Stranger making Discovery of such Estates within the time before limited (remaining conceal'd till such Discovery made)

A Trustee concealing such Estates,

Penalties.

Not to be accountable for any Rents or Profits received.

Intituled to the like Shares of such real and personal Estates respectively, as a Trustee would have been on making such Discovery.

Liable to pay all the Rents and Profits incur'd, whilst he enjoy'd the same, or receiv'd the Rents or Profits thereof, to the Use of the Publick.

And give Certificates of the real Estates discovered.

Trustee discovering, not accountable for Profits receiv'd.

Stranger discovering, intituled to the like Reward as Trustees.

Trustee concealing, answerable for the Profits.

The Commissioners required as soon as may be to secure all Effects appointed to such Superstitious Uses, to inventory, appraise and sell the same as they might do with Goods and Chattels forfeited for High Treason, and to pay the Proceed thereof into the Exchequer; and also to cause the Rents of all Estates given to Superstitious Uses to be paid into the Exchequer.

The Commissioners to cause fair Entries to be made in Books kept for that Purpose, of all their Proceedings in Relation to such Estates, and to give a particular Account, when required, as well to his Majesty as to either House of Parliament, of the said Estates, and the Values thereof, to the end a further Course may be taken

Commissioners to secure all Goods, and other Effects given to such Popish Uses.

Rents of such Estates to be paid into the Exchequer.

Books to be kept of their Proceedings.

And Account rendered to his Majesty and both Houses.

in

in Parliament concerning the same, for the Benefit of the Publick.

*Death of
some Com-
missioners
not to de-
termine
their Pow-
er.*

The Powers given to the Commissioners, not to determine by the Death of one or more of them, but the Survivors (being four or more to reside in *England*, and as many in *Scotland*) are hereby authoriz'd to execute all the Powers in this Act, as effectually as the whole Number or any *Quorum* of them might if they were all living.

*Salary of
every Com-
missioner
1000 l. per
Ann.*

Every Commissioner to receive for his Pains a Salary, after the Rate of 1000 l per Ann. to commence from the 24th of *June*, 1716. payable Quarterly, during his Continuance in the Execution of the Trusts hereby reposed in him.

*Salary of
inferior
Officers to
be settled
by the Treas-
ury.*

There shall be paid to the inferior Officers employ'd by the Commissioners, and for incident Charges in Performance of the said respective Trusts, such Sums as the Lord Treasurer or Commissioners of the Treasury shall judge necessary; and the said Lord Treasurer, &c. may cause the said Salaries and Money to be paid out of such Money as shall be brought in for the Use of the Publick, by Virtue of this Act. The said Salaries of the Commissioners and inferior Officers to be exempted from all Taxes.

*Salaries ex-
empted
from Taxes.*

*Money aris-
ing by this
Act appro-
priated.*

Money arising by this Act (other than what is to be issued for Salaries, incident Charges and Rewards of Discoverers) appropriated to the Use of the Publick, and to be apply'd thereto, by Authority of Parliament, and not otherwise.

*Heritable
Jurisdicti-
ons forfeit-
ed to be sup-
press'd.*

Further Enacted, That all Heritable Jurisdictions, called Constabularies, Regalities, or Admiralties, &c. in Possession of Traytors on the 24th of *June*, 1715. shall, from the first of *Novemb.* 1716. be suppress'd and extinguish'd;

so that it shall not be lawful after the first of *November*, 1716. to sell or grant the said forfeited Heritable Jurisdictions, or to erect any such Heritable Jurisdictions in their Room.

Provided that forfeited Sheriffships and Stewarties shall subsist with the same Powers which belong'd to them at the time of the said Forfeiture; and they are hereby declared to be annexed to the Crown, so as not to be alienated by any Gift or Grant, otherwise than to such Persons as the King shall think fit to grant them during Pleasure only.

The Towns and Villages subject to the Constabularies or Regalities suppress'd, to be subject to the Sheriffships and Stewarties within whose Bounds they lie; and that the Places and Bounds subject to the forfeited Admiralties be subject to the immediate Jurisdiction of the Court of Admiralty in *Scotland*.

The Commissioners hereby constituted, not incapable of sitting in Parliament.

In a Prosecution commenc'd against any Person for what he shall do in Pursuance of this Act, he may plead the general Issue, and give this Act and the special Matter in Evidence; and if the Prosecutor be Nonsuit, or a Verdict pass against him, &c. the Defendant shall have treble Costs.

Provido that it may be lawful for the King to make Provision for the Maintenance of the respective Wives of the late Duke of Ormond, Earl of Mar, and Viscount Bolingbroke, and for raising Portions for their respective Daughters out of the Estates real and personal forfeited by the said Duke, Earl and Viscount respectively, notwithstanding their Coverture.

Anno 1. Geo. Regis, Cap.

An Act to oblige Papists to register their Names and real Estates.

Popish Re-
cusants, Pa-
pists, Per-
sons educa-
ted in Po-
pery, or
professing
the same,
or whose
Parents are
Papists,

To take the
Oaths, and
make De-
claration
concerning
Transub-
stantiation
before the
26th of Jan.
1716. (be-
ing 21. on
the 24th of
June, 1716.)
Persons in-
der Age,
within six
Months af-
ter the
Coming of
Age.
In Default
thereof,

ENacted, That all Persons not having taken the Oaths herein-after mentioned before the last Day of *Trinity Term*, 1716. who shall have any Estate or Interest in any Lands, Tenements, or Hereditaments in *England, Wales, or Berwick*, being **Popish Recusants or Papists, or educated in the Popish Religion, or professing the same, or whose Parent or Parents are Papist or Papists**, shall, before the 20th of *January*, 1716. being of the Age of 21 on the 24th of *June*, 1716. or who being then under Age, shall, within six Months after their Coming of Age, take the several Oaths prescribed by an Act of this present Session of Parliament, intituled, *An Act for the further Security of his Majesty's Person, &c.* and also repeal and subscribe the Declaration in an Act of the 30 *Car. 2d*, intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists to sit in either House of Parliament*; in one of the Courts at *Westminster*, or at the Quarter-Sessions, where some Part of such Lands lie; Or in Default thereof, shall within six Months after the time hereby appointed for taking the said Oaths, &c. And so from time to time within six Months after, they, or any in Trust for them, shall come into the Possession or Perception of the Rents and Profits of any other Lands, &c. **Register** their Names, and all such Lands, &c. as they, or any in Trust for them, shall be in Possession of, or in Receipt of

of the Rents or Profits of, within the Kingdom of *England, Wales or Berwick*; and shall express the Place where such Lands lie; who the Possessors; what Estate or Interest the Persons registering have; the Yearly Rent, reserved if the same be let; and if upon Leases, by whom made. What Rent reserved thereupon; what Fines or Sums were paid for such Leases, in Case the same were made by themselves, or any Person in Trust for them, or by their Privy; and the time when such Entry is made, in a Parchment-Roll or Book, to be kept by the Clerk of the Peace of every County where such Lands lie.

To register their Names and Lands within six Months after the Times limited for their taking the Oaths respectively.

In a Book kept by the Clerk of the Peace of the County where the Lands lie.

Persons, whose Names and Estates ought to be register'd, oblig'd within the six Months hereby allow'd for making such Registry, to subscribe the same in the said Books or Rolls, in the Presence of two Justices of Peace for the County in open Sessions, either by the Parties themselves, or their Attorneys lawfully authoriz'd by Warrant of Attorney under their Hands and Seals, executed in the Presence of two or more Witnesses; two of which Witnesses at least to make Proof of such Execution upon Oath at the Quarter-Sessions, where &c.

And subscribe the same at the Quarter-Sessions.

The Justices of the said Court of Quarter-Sessions impowered to examine such Witnesses upon Oath; and two of the Justices then present shall subscribe their Names to every such Entry made before them, as Witnesses that the same was duly made; and in Default, every Justice of Peace present, shall forfeit 20 l. to the King.

To be attested by two Justices there present, or every Justice forfeits 20 l.

The respective Clerks of the Peace are required to keep Parchment-Books, or Rolls, at some Notorious Place in the County; and by themselves or their Deputies to enter therein the

*Clerks of
the Peace
to keep
Books, and
enter the
Particu-
lars as gi-
ven in by
the Parties
in Writing
ten Days
before the
Quarter-
Sessions.*

Names of such Persons who come and desire to be register'd, or who shall send any Writing under their Hands, desiring to have their Names registred; and shall also register the Estate in Lands, &c. of such Persons in such Manner and Words as they by any Writing sign'd by them shall desire. The Persons desiring such Registry, paying the Fees hereby appointed, and so as they deliver in Writing the Words so to be register'd 10 Days at least before the Quarter-Sessions, where the Entries thereof are to be subscribed; and the Clerk of the Peace shall enter such Persons Names, and Registry of their Estates before the next Quarter-Sessions, after such Delivery, in the said Books or Rolls, and shall carry the same to the next, and every other Quarter-Sessions, until the time of such subscribing the same shall be expired; to the end, that all Persons whose Names ought to be register'd, may have an Opportunity to come and subscribe their Names to the same.

*Clerks of
the Peace to
receive 3d
for every
200 Words
he enters,
and 4d for
a Search.*

The Clerk of the Peace shall keep Alphabetical Tables of the Surnames of such Persons whose Names and Estates shall be so register'd, and of the Parishes and Townships where the Lands lie; and carefully keep such Warrants of Attorney prov'd as aforesaid upon a File together, with such Books and Rolls; and shall likewise enter up such Warrants of Attorney upon Record, and shall have for such Registry and Entry, a Fee of Three-pence for every 200 Words, to be paid by the Person registering; and Four-pence for every Search that shall be made for the Name or Estate of any Person.

*Clerk of
the Peace
to give Co-
pies of En-
tries, on
Payment of
his Fees.*

The respective Clerks of the Peace are required to give Copies of such Registries or Entries to every Person tendering their Fees, being Three-

Three-pence for every 200 Words contained in such Copy.

Clerk of the Peace neglecting his Duty in any of the Particulars aforeſaid, being lawfully convicted, forfeits his Office.

Offences.

Persons hereby required, or intended to take the ſaid Oaths, and ſubſcribe ſuch Declaration; or in Default thereof, to register their Names and Eſtates in manner aforeſaid; who ſhall not either take and ſubſcribe ſuch Oaths, and repeat and ſubſcribe the Declaration aforeſaid; or register their Names and Eſtates within the Times before limited, or ſhall not register the ſame truly,

Penalties.

Forfeit the Fee-simple and Inheritance of all ſuch Lands, Tenements and Hereditaments not register'd, or fraudulently register'd, whereof they, or any in Truſt for them, were ſeiz'd in Fee-simple at the time of ſuch Default or Fraud in registering as aforeſaid; and the full Value of the Inheritance of all ſuch Lands not registered, whereof they or ſome Perſons in Truſt for them were not ſeiz'd in Fee-simple at the time of ſuch Default or Fraud.

Persons neglecting to take the Oaths, or register, forfeit the Lands they are ſeiz'd of in Fee ſimple.

And the Value of the Inheritance of ſuch Lands whereof they are otherwiſe ſeiz'd.

Two Thirds of the ſaid Forfeitures to the King, and the other to ſuch Perſons being Proſecutors, as ſhall ſue for the ſame in any of the Courts of Common Law at *Westminster*, or in the High Court of Chancery.

Two Thirds to the King, the other to the Proſecutor.

Persons suing in Chancery, favour'd as Purchasers.

Every Person suing for the same in Chancery, intituled to demand all such Discoveries, as if he were a Purchaser, upon a valuable Consideration, and to demand a Discovery from all Persons of such Incumbrances and Titles as affect the same, and of all Trusts relating thereto, or protecting the same.

No Plea or Demurrer to be allowed there.

To which Bills no Plea or Demurrer to be allow'd, but the Defendants shall sufficiently answer the same at large,

Prosecutor may bring an Ejectment.

Whoever shall sue for such real Estate, may bring an Ejectment on his own Demise, and give this Act and the special Matter in Evidence.

Offences.

It shall lie upon the Defendant to shew the Lands are register'd.

If upon Tryal the Defendant shall not make it appear, That he has taken the said Oaths, and subscribed the Declaration as aforesaid; or duly register'd his Name and Estate,

Penalties.

A Verdict shall be given for the Lessor of the Plaintiff in such Ejectment, and Judgment thereupon had in such manner as is usual upon Verdicts in Ejectment, and the Lessor of the Plaintiff shall have Costs of Suit.

Vested in the King, and the Prosecutor on Judgment. Time enlarged to Persons beyond Sea.

By such Judgment, two Thirds shall be vested in the King, and the other in the Lessor of the Plaintiff.

Whoever shall be beyond Sea on the 18th of June, 1716. shall not be compellable to take the said Oaths, and make the Declaration aforesaid, until the 20th of May, 1717. or to register their Estates until six Months after the said 20th of May, 1717.

Persons making Default, or committing any Fraud in registering, who shall after such Default or Fraud committed, and before Conviction, or any Ejectment or Suit brought for such forfeited Lands (*bona fide*) for a valuable Consideration, convey, grant, lease, or incumber any such Lands, &c. The Persons purchasing or having such Grant, Lease or Incumbrance, not knowing the Grantor to be a Person within the Description of this Act, shall not be prejudic'd, or their Estate or Interest in the said Lands impeached, by reason of such Forfeiture as aforesaid. But in that Case, the Offender shall forfeit the Value of the Inheritance of the said Lands, to be distributed and recovered as aforesaid.

Provided that no Person be compellable to register, until he or some Person in Trust for him have been actually seiz'd, and have Notice thereof, or possess'd, or been in the Receipt of the Rents or Profits six Months at least.

Provided also that no Farmers or Tenants at Rack-Rents, or who hold Leases, whereon two Thirds of the full Value is reserved, be compellable to register.

And that nothing herein shall extend to defeat or prejudice any Protestant, or other Creditor, who shall have any Charge or Incumbrance on any real Estate hereby directed to be register'd. But in such Case, the Persons making Default in registering, shall forfeit the Value of such Incumbrance, one Third to such Person as by Virtue of this Act shall sue for and recover the Lands forfeited as aforesaid, and two Thirds to the King.

Persons conveying or incumbering their Estates after the time allowed for registering is expired.

The Grantee ignorant of his Offence not prejudic'd.

But the Offender to forfeit the Value of the Inheritance of such Lands.

None compell'd to register, till they have been seiz'd of the

Lands six Months. Farmers and Tenants at Rack-Rents excus'd.

Creditors having Charges on such forfeited Estates not prejudic'd, but the Person making Default to forfeit the Value of the Incumbrance.

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Persons in the *East* and *West-Indies*, or *America*, to be allow'd 12 Months longer to take the said Oaths and Register, than the Persons before-mentioned to be beyond Sea.

F I N I S.
